

Palestinian Center for Documentation and Information (Malaf)

A Study on Palestinian Governments

(From the foundation of the PA until
the second parliamentary elections)

Fahd Solaiman

Member of the political bureau

Democratic Front for the Liberation of Palestine



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Malaf's Book Series

Scientific researches issued by the Palestinian Center for Documentation and Information (Malaf). The researches address issues of ongoing and persistent significance related to the Middle East conflict and with the liberation journey of the Palestinian people. Researches are made by thinkers, researchers, and politicians in direct monitoring positions or those participating in decision making.

This series seeks to follow to these issues and introduce them to the reader and those concerned, in an analytical and scientific formula to integrate with the Center's other publications. The purpose is to peruse the Palestinian Cause in its different conflict stages, shed light on the great developments and serious challenges, and help draw the future of the Palestinian Cause in accordance with its national constants on which all the Palestinian people and its political powers agree.

Introduction

To undergo the second parliamentary elections on January 25, 2006, Ahmed Qurei (Abou Alaa), the Palestinian Prime Minister resigned from his office on December 15, 2005, the deadline for candidates to apply. Thus, he exceeded the two-month period provided in the Elections Law for the cabinet members, particularly its head. President Mahmoud Abbas, in his turn, accepted Abou Alaa resignation. He declared that "a caretaker cabinet will be formed and will continue assuming its responsibilities under Dr. Nabil Sha'ath until the elections day".

The transition to caretaker cabinet came at the end of an integrated stage of the one party government. These governments have started since the foundation of the Palestinian Authority (PA) on July 1, 1994, and stayed incumbent for about 12 years. They depended on (and driven from) a Legislative Council with the same autocratic characteristics. The council, elected on January 20, 1996, continued in office, by the date of conducting second legislative elections, for ten year. Yet, its tenure should not have exceeded three years; namely from March 7, 1996, the date of starting its functions officially. The three years, however, extended for a decade due to the automatic extension, which is one of the characteristics of the current Palestinian political system.

The government which was formed as a result of the second legislative elections has not achieved the same result as its precedents, though it did not reflect the multiparty system of the new Legislative Council. There was not a wide political participation in the elections by influential and active powers. Their weight, beside the amended election law, enabled them to enter the council, and consequently to reflect a new formula in legislation and accountability. Such new formula comes as a result of the combination of loyalists and opponents, and consequently, in terms of the relation between the government with the council and the presidency of the PA, and relation between the positions of the Authority triangle (presidency, government, and Legislative Council), whether it is a clash or cooperation relationship.

The following is a study on the Palestinian government formed since the foundation of the PA till the night of elections. This includes the "Separation Wall" campaign and its consequences and the "Road Map" plan, until the death of President Arafat, the "Disagreement Plan" and the presidency of Mahmoud Abbas.

In his study, Fahd Solaiman, member on the Political Bureau of the Democratic Front for the Liberation of Palestine (DFLP), stops at the main stations of the birth of the consecutive Palestinian governments. In this context, he seeks to peruse the Palestinian political system, the subsequent impacts and the developments introduced to it under external pressures. One of these pressures is the separation between the presidency and the government as the Quartet Committee sponsoring the "Road Map" plan, required. He also seeks to study the "Palestinian formula" of the single party government as clearly demonstrated in "Fatah Movement" experience in imposing control over the authority triangle; namely, presidency, government, and the Legislative Council.

In this book, the Palestinian Center for Documentation and Information (Malaf) tries to continue its mission in shedding light on the Palestinian political experience in the frame of joining the national and struggle movement of the Palestinian people.

I
From Foundation of the Pa until the
Construction of Separation Wall:
Thee Governments

1. After the entry of President Yasser Arafat to the Palestinian territories on July 1, 1994, the PA was formed, including 24 members. It exercised all the legislative and executive authorities. Moreover, it undertook the tasks assigned to it and exercised the judicial functions subject to Article (4) of Gaza-Jericho Agreement.¹

Yet, in an attempt to lift the ceiling and improve the conditions, the Palestinian side adopted in its letter the nomination of the government that consists of ministers, not the authority that consists of member. This is due to the fact that the separation of powers is a characteristic of the State's systems. The same applies to the definition of the two terms "governments" and "ministers". The Palestinian side thinks that this opens the reality of self and interim rule. However, this is opposed to the Israeli position (and the agreement itself) which considers the arrangement of the self-rule a waiver of some of the military governments powers (but not all of them) to some representatives of people. Thus, there shall be no bodies (legislative and executive) enjoying relative powers, let alone separating them.

This governments, which is considered the first according to the Palestinians, was incumbent until September 1, 1996.² A great number of its ministers resigned in preparation to enter the elections of the Palestinian Council (the Legislative Council) under Law No. (13)³ which is driven from Oslo Agreement⁴ (Annex II of the protocol concerning election).

2. An important point in evaluating the Interim Agreement (September 28, 1995) is the structure of the Palestinian Council (or the Legislative Council as called by the Palestinians to highlight the independence of the legislative body from the executive one) in structuring the authority (and consequently its role, power... etc.). It clearly reflects the difference between the Palestinian and Israeli sides with respect to how the legislative body is independent from the executive body, independent as referred before. In this context, we note the following:

At the time when the Interim Agreement identifies that "the Legislative Council has the Jurisdiction to exercise the Executive Authority" Article (3-1), and is invested with the Legislative and Executive Powers... and shall exercise, and be responsible for all the legislative and executive powers and responsibilities assigned to it, Article (3-2). The council's members and the President of the executive authority are elected directly and simultaneously by the Palestinian people in the West Bank, Jerusalem, and Gaza Strip..." Article (3-3). The council shall have a committee exercising its executive authority" Article (5-1). Yet, at the same time, the Interim Agreement differentiates between the said bodies in a way or another: "the Palestinian Council is made up of 88 members besides the President of the Palestinian Authority. They are elected simultaneously..." Article (4). The executive authority shall be invested with the executive powers of the council and shall exercise them on its behalf..." Article (5-2). The President of the executive authority is entitled to

appoint members in the authority not exceeding 20% of the total number. These members may not be members in the council Article (5-3).

It is clear that this type of formulas reflects a kind of settlements in the course of Palestinian-Israeli negotiations. In these negotiations, the Palestinian side sought to reach an executive level that is similar to a government held accountable before a parliament with legislative powers. Yet, talking about settlements (or a settlement) in this context should not make us ignore the unfair reality of an agreement conducted under self-rule. It should not also obliterate the following fact:

Regarding the settlements of the dispute on the relation between legislative and executive authorities and the degree of similarity/dissimilarity between them, though it responded to some Palestinian requirements, it implied some Palestinian concessions that proved to be serious later on, for example, accepting to classify the West Bank territories into three categories (A-B-C). Such classification enhanced the concept and logic of "disputable territories" and gave a practical dimension (in terms of division and function) to the concept. This justified and enhanced the possibility of regional enclosure and sharing functions.⁵

Yet, in spite of its drawbacks and gaps, the settlement improved the status and (assumed) role of the council, and led to developments based principally on the Palestinian struggle in its different forms and the dynamics of its own role and the reality it created.

In this context, law (13), an interim law concerning elections of the interim stage, the Basic Law (October 2, 1997)⁶ of the self-rule Authority, and the amended Basic Law (March 18, 2003) served as a way out for the Palestinian side to resort in interpretations and actions that support its stance.⁷ However, they were limited margins and areas seized by barriers of Oslo Accords and its unfair conditions.

3. Whether regarding the Palestinian Council (Legislative Council), or the issues of developing the Authority structure to be like a state's in terms of independence and supremacy, or any other headlines of the Agreement, it is a fact that the Israeli position imposed itself mainly for power percentage consideration and Tel Aviv's ability to hinder negotiations, manipulate time schedules of implementing the agreement, and evade its commitments.

In addition, the interim Agreement itself is an extension to previous agreements whose logic is hard to be ignored or exceeded unless the PA takes major steps, sometimes strategic ones. These steps were never taken into consideration, or adopted as decisive priority. They included regaining national coalition and extending it on the joint program base, conducting financial and administrative reform, struggling against corruption, and supporting the resistance of the Palestinian people. Then the steps included mobilizing the capacities of the non-unified situation and supporting the return of refugees at the same time. At last, they included investing the big challenge of May 4, 1994, the date of the end of interim stage and negotiations on the permanent status. At that time, the international conditions were appropriate to declare the sovereignty of Palestine on its territories that have been under occupation since 1967.⁸

At this important stage, the Authority refrained from taking the necessary decision under the American pressures.⁹ It is worth noting that the probability of “declaring the state” was a source of Israeli worry and suspense. “If the Palestinians decided at that time to declare their independent state, they would gain the world’s blessings”, “the Palestinians can declare their independent state and this will put Israel in a very deteriorating situation because of the rights granted to this state: control over the board crossings, the airspace, and the right to form an army¹⁰...” Gilaad Sher, director of late Israeli Prime Minister Barak’s office, and supervisor of the negotiations’ affairs clearly pointed.

4. Regarding the major steps the Authority may have taken, but did not take the sufficient ones in spite of Oslo constraints, it is noted that the Authority refrained from developing the Palestinian Council’s position and role as an effective legislative body in the frame of Palestinian system. This refrainment was due to Yasser Arafat’s autocratic and authoritarian style. The long journey conducted by the Basic Law before it entered into force sheds lights on a particular perspective of this situation:

After the Legislative Council adopted the Basic Law in its third Perusal (Law 1/1996) on October 2, 1997, though this Law ensures wide authorities and powers for the PA President in a system similar to “presidency system”, President Arafat refused to sign it, which intensified the tension in the relation between him and the Legislative Council.

Yasser Arafat signed the law in a completely different context, he did it for any reason other than enhancing the rule of law which organizes the institution’s work and position. It was just a response to the external pressures practiced on Arafat after the “Separation Wall” campaign. Moreover, the signature came while introducing his “one hundred-day” plan the Legislative Council on June 26, 2002, and as a step towards reform. It is worth noting that the Basic Law entered into force July 7, 2002; i.e., five years after being adopted by the Legislative Council and was published in the Official Gazette.

It may be a paradox that Yasser Arafat, during the Israeli-Palestinian negotiations, seeks to adopt an extended legislative body independent from the executive which will naturally enhance its position and strengthen its role. In contrast, he tries to limit the Legislative Council and diminish its role by refusing to sign the laws it enacts and neglecting them. Yet, the paradox ends soon and becomes expected in the light of the autocratic and authoritarian rule in an anti-institutional background, which was one of the characteristics of the late President’s regime.

After the election of the first Legislative Council on January 20, 1996, in the West Bank and Gaza Strip, the second government was formed on May 9, 1996.¹¹ It was made up of 24 portfolios and 22 ministers. Arafat came at the top of the government after being elected as a President for the PA in the context of the same electoral process. The Legislative Council discussed the corruption issue for which it formed a parliamentary investigation committee. The committee affirmed the facts mentioned in the General Control Authority report with respect to the corruption phenomena and the wasting of public funds in the different ministries, institutions, and agencies of the PA. Thus, it submitted a report calling for disclosing financial and administrative corruption in which a significant number of ministers were

involved. In the light of these events, voices raised calling on the government to resign. Yet, President Arafat cut it short by dismissing the government on June 25, 1998, and forming a new one on August 5, 1998.

With the exception of two ministers; Hanan Asharwi and Abdel-Jawwad Saleh, who refused to hold cabinet portfolios and were not involved in corruption, and the departure of four ministers, the previous cabinet continued in office and was extended to include 11 new ministers from amongst the members of the Council and the corruption investigation committee. Thus, they found themselves colleagues to ministers they called for being referred to investigation and trial. As a result, the third government was made up of 29 portfolios and 28 ministers. It stayed incumbent¹² weeks after the end of the "Separation Wall" camping, from March 29 to April 28, 2002. This camping, with its consequences constituted a sharp curve in the course of Palestinian political system.

Notes:

¹It is also called "Cairo Agreement" signed on May 4, 1994. See pp. 7-67 of *Salam Oslo bain Alwahn wa Alhaqiqa*, "Oslo Peace Illusion versus Reality" published by "Dar al-taqaddom al-Arabi", First edition: September 1998.

²In practice, the first government continued incumbent for a year and seven months, from October 9, 1994 until May 16, 1996 when it was substituted by second government.

³The elections were conducted on January 20, 1996 under "law 13/1995 concerning elections" issued on December 7, 1995, in addition to "law 16/1995 concerning the amendment of some election law provisions No. 13 of 1995" issued on December 19, 1995, and nine presidential decrees, addressed the issues of elections and conducting them, the procedures of holding the first meeting of the Legislative Council, and the formation of the Palestinian elections committee.

See law (13) and law (16) pp. 57-99 of "the Palestinian Political System" published by "Dar al-taqaddom al-Arabi" and "Al-dar al-wattanya al-jadida". First edition: December 2004.

⁴Oslo 2 Agreement, or "the Israeli-Palestinian Interim Agreement in the West Bank and Gaza Strip", signed on September 28, 1995. See the agreement, pp. 169-186 of *Salam Oslo bain Alwahn wa Alhaqiqa*, "Oslo Peace, illusion versus reality", See also the two chapters entitled "Palestinian Council elections", pp. 131-153, and "peruse in Oslo agreement, and the Palestinian Council election law" pp. 155-168.

⁵See pp. 68-69 of "*The Road Map... to What End?*" published by *Dar Al-taqaddom Al-Arabi and Al-dar Al-Wattanya Al Jadida*. First edition: April 2004. Talking about waivers, we may refer to what Nikolas Guyatt said in his book, *Absence of peace... a trial to understand the Israeli-Palestinian conflict*, issued in Cairo by the High Council for Culture, 2005, He said that Arafat agreed on many bypasses created by Rabin in 1995. In return, Israel allows the Palestinian elections p. 109. The author draws this information from a reference mentioned in footnote 48, p.138 in the same book. The reference is a report by the human rights group LAW, entitled: *Bypass road in the west bank, the end of the dream of Palestine sovereignty*, p.17.

⁶Based on Article (3-7) of Oslo 2 Agreement: "the organization of the (Palestinian Council), its structure, the way it works shall be in accordance with this agreement and the Basic Law of Interim Authority of Palestinian self-government, which is adopted by the council. The Basic Law, and any law driven from it, should not contradict with the provisions of this agreement".

⁷This includes, but not limited to, Article (2 and 5) of the Basic Law, and the amended Basic Law: "The Palestinian People are the source of all power, which shall be exercised through the legislative, executive, and judicial authorities, based on the principle of separation of powers, and in the manner set forth in this Basic Law". "The Palestinian People are the source of all power, which shall be exercised through the legislative, executive, and judicial authorities, based on the principle of separation of powers, and in the manner set forth in this Basic Law". "The governing system in Palestine shall be a democratic parliamentary system based on political and party pluralism. The President of the National Authority shall be directly elected by people. The Government shall be responsible to the President and to the Palestinian Legislative Council.

⁸See *al-Dawla al-Mustaqella wa al-Syada al-Wattanya* Independent State and National Supremacy", published by "Dar al-taqaddom al-Arabi". First edition: May, 1999.

⁹See "from Oslo to way river" Chapter entitled *Waste time in negotiations*, pp. 99-158, published by "Dar al-taqaddom al-Arabi". First edition: May, 1999.

¹⁰See pp. 23-28, of Gela'ad Sheir's "*Qab Qawsain aw adna*" published by Dar al-Galil, Amman. First edition: 2002.

¹¹The second government stayed incumbent from May 16, 1996 to August 9, 1998; i.e., about two years and three months.

¹²The third government stayed in office from August 9, 1998 to June 13, 2006; namely, about three years and ten months.

II

Between the Consequences of the "Separation Wall" and the Road Map The Fourth and Fifth Governments

1. The "Separation Wall" campaign¹ and its consequences put an end to a governmental stability stage that continued for about eight years with three successive governments. It put the Palestinian political system in a stage of confusion, and witnessed five governments (until the second government of Qurei) in about a year and a half. The campaign was launched at the time of adopting a new formula for the government. It started with unequivocal speech about "a new and different Palestinian leadership" that institutes "reform" and "destroys the infrastructure of terrorism" (Bush speech on April 5, 2002 in the climax of the Separation Wall campaign²), and ended with a direct and unequivocal requirement to introduce a new post for the Prime Minister (in the memorandum presented by the Quartet Committee –with exception of the US- to President Arafat in Ramalla³).

The change in the Palestinian government's formula after the "Separation Wall" campaign, the context of its consequences, is attributed mainly to the external pressures to get another leadership at the top of the PA hierarchy. After the United States and Israel have agreed on the Israeli security issue and hence Palestinian reform, a condition for any step toward the political negotiation-based solution. Such solution can not be regained, after the Intifada broke out, to the Oslo Accords course. Therefore, the started to find out the right way and eventually succeeded in figuring out the alternative course embodied in the "Road Map" plan as agreed upon by Washington (which guaranteed that their scale will be the heavier) and Brussels⁴ (the European Union).

2. Talking about reform, which was the main focus after the "Separation Wall" camping, it is worth mentioning that the external pressure regarding this issue does not mean, of course, that it did not impose itself as a domestic right and an urgent national need that can not be delayed.

In this context, at the night of forming the fourth Palestinian government, the DFLP, for the first time since the launch of Oslo process, carried the slogan of the national coalition governments which was parallel to the establishing of a unified national leadership, adopting a mechanism for participation in national decision making, and conducting elections at different levels.

The DFLP considered that these procedures together guarantee national reform progress and democratic change in the Palestinian political structures. Since then, the requirement of national coalition government was accompanied by the DFLP's suggestion. The purpose is to challenge the PA that insists on maintaining the limited formula of the single party system while paying no attention to the wider scope of a multiparty system.

The following is the principles of the national coalition government as defined in the "National Reform and Democratic Change Bill⁵", drafted by the DFLP in early June: "the required change needs more than just substituting a government with another. Thus, a comprehensive national dialogue, in which all the national and Islamic powers participate, should be conducted. The purpose is to develop a new program of national consensus that guarantees serious confrontation of the Israeli assault and secures resistance in the national independence struggle. In addition, it ensures purification of the Palestine from corruption and aging, and devoting democracy and national unity so that it constitutes a base to form a national coalition government able to conduct the reform and democratic change to which the great majority of our people look forward".

3. As a result of these developments, the fourth government was formed on June 9, 2006⁶ under the presidency of Arafat. It was surrounded from the very beginning (from both inside and outside) by voice calling for reform, including the bill presented by the Legislative Council⁷. Two days after the "two-state solution" proposed by President Bush on June 24⁸, in which he highlights, inter alia, the priority of achieving progress at security and reform levels before moving ahead at the political level, the Palestinian government announced its reform program. It said that the program will be implemented over one hundred days ("one- hundred day" plan).

The fourth government included 20 ministers and 21 portfolios, which is deemed to be a violation of the Basic Law (finally ratified by Arafat after five years of deliberate ignorance). To illustrate, the Basic Law provides that the government shall include only 19 ministers. The government included five new ministers; two of them indicated a significant change. The first is Abd el-Razeq al-Yahia, as a minister of Interior instead of Arafat himself, to diminish his influence in the security field (which he couldn't do after choosing this person). For this reason also, security services were uniformed after being reduced in number. The second is Sallam Fayad (by virtue of his professional efficiency), recommended by the United States and Europe, as a minister of finance to accelerate reform and transparency procedures in the financial field.

Yet, the fourth government failed to conduct remarkable progress in the fields of reform and restructuring the security services. This failure was due to Washington's boycott to the head of the government (who is democratically elected by people) as it considers him irrelevant to the Palestinian people. Moreover, it was due to the stalled negotiations and political process and the insistence on combating Palestinian "violence" and instituting reforms as deemed, exclusively and without any steps taken by the Israeli side, to put the Palestinian state in danger.

On the other hand, the government was legally challenged by the Legislative Council. The challenge was, in addition to exceeding the defined number of ministers; namely 19, that Yasser Arafat did not form a new government, rather, he only reshuffled the third government. He reduced the number of ministers from 28 to 20 by a presidential decree to avoid being brought before the Legislative Council in order to gain confidence and avoid its collapse (or some of its members'). However, the Council's legal committee considered that the new government has witnessed a change, not a reshuffle, as 11 ministers were changed (5 new ministers 6 portfolios), i.e., about half of the total number.

The government's failure in assuming its responsibilities and the legal challenge against it caused the fourth government's dilemma. Thus, there was no way out but to submit its resignation on September 11, 2002. The resignation indicated the size of the political crisis suffered by government and the Palestinian political system as apart of the deadlock of the political process.

4. The fifth government and the last, was formed on October 23, 2002⁹ presided over by Yasser Arafat. The Interior portfolio was assigned to Hani al-Hassan, a Fatah Central Committee member, while the Ministry of Finance stayed under Sallam Fayyad, who has become a permanent member in the successive government since the fourth one.

The experience of this stumbling government, has shown that efforts made to manage with the external pressures (regarding uniformed security services, and reform) did not meet the requirements and perceptions of those who practice these pressures. In this context, it was time for Arafat to leave the government after the "Road Map" plan was approved by the Quartet committee and the willingness of the PA, early in the beginning of 2003, to approve it without any conditions or reservations even before it was officially announced.

Notes:

¹See pp. 9-82, of *al-swur al-waqi* "Separation Wall", published by Dar al-Taqaaddom al-Araby, Beirut, and "al-Dar al-Wattanya al-Jadida", Damascus. First edition: August, 2003.

²Ibid., pp. 148-153.

³See the submission pp. 157-159, of *in the political Palestinian system*, published by "Dar al-Taqaaddom al-Araby", Beirut, and "al-Dar al-Wattanya al-Jadida", Damascus. First edition: August, 2003.

⁴For more information about the context that led to the "Road Map" plan, see the chapter entitled "the US Administration and the Palestinian Cause from January 20, 2001 to June 24, 2002", pp. 87-101, of the "Separation Wall".

See also the chapter entitled *Towards the Road Map-the US Administration and Palestinian Cause from June 24, 2002 to December 20, 2002*, pp. 43-50, of the "Separation Wall", published by

"Dar al-Taqaddom al-Araby", Beirut, and "al-Dar al-Wattanya al-Jadida" Damascus. First edition: September, 2003.

Regarding the "Road Map" plan, see "Road Map... what result?" published by "Dar al-Taqaddom al-Araby", Beirut, and "al-Dar al-Wattanya al-Jadida", Damascus. First edition: April, 2004.

⁵See "Separation Wall": pp. 38-46.

⁶The fourth government stayed incumbent from June 13, 2006 to October 29, 2002; about four months.

⁷Under the title "change, activation, and reform bill", pp. 38-53, of "Separation Wall".

⁸See: the speech script pp. 154-159, of "Separation Wall".

⁹The fifth government was incumbent from October 29, 2002 to April 30, 2003; i.e., about six months.

III

Separating the PA from the Cabinet Mahmoud Abbas's Government

1. The cabinet disarray witnessed by the PA after "Separation Wall" campaign which was due to deadlock of Oslo Accords is a reflection to the conflict run in the stage of finding an alternative course. Such a course was assumed to be finally embodied on December 20, 2002 (at the time of the US-British preparations to assault on Iraq) in a new formula; namely, the "Road Map" which was officially announced by the Quartet on April 30, 2005 (after the occupation of Iraq).

The "Road Map" plan failed because of the 14 Israeli reservations¹ and the American backing. Thus, it was substituted since the beginning of 2004 with the Disagreement Plan². This plan is based on partial and unilateral steps taken by Israel to remove all permanent Israeli presence in Gaza Strip and from its settlements. Therefore, the political process was stalled once again, waiting for the results of the Israeli elections on March, 2006.

Needless to say, the external pressures accumulated along that period increased tension inside the PA and Fatah movement (Palestine in general) and led it to unprecedented levels. Thus, the question is about the most important motive behind this situation: is it a reflection of the conflict run between powers aspiring to personification? Or is there a substantial political base defining specific option on which this conflict is based?

Since Palestinians didn't agree on a joint program, and since no significant political process could forge its way ahead, and with the external pressures intensifying to force the PA to surrender to the US-Israeli conditions, many issues are raised for debate (not only debate). Such issues lead also (but not always) to differences on substantial political options composing together the general strategy headlines of the national process. This includes from the position of Intifada and the resistance in the liberation struggle (confrontation strategy) and this non-unified situation and its role (refugees' movement strategy). Then, forming and institutionalizing the relations between political powers and social movements (political system formation strategy) and restructuring the Palestinian society

(resistance strategy). At last, it includes dealing with frames and formulas of the suggested solutions (negotiations strategies).

Therefore, if confrontation (on power positions) is personified inside the PA and Fatah movement, and extended outside, this will not influence their political backgrounds.

On the other hand, the political depth of this confrontation should not exclusively prevail, as long as settlement is frozen, its mechanisms (which may justify differences and provoke them) are absolutely obstructed, and the unilateral steps (which do not require negotiation) replaced it. In addition, there is deep-rooted awareness between the people and the powers of the necessity and priority of unity and consolidation and the importance of avoiding separation and all forms of different civil clashes.

In the light of this vision, the frame of the differences that broke out in Mahmoud Abbas's government (between the President and the Prime Minister) is drawn. These differences, though intensive, are exaggerated. To illustrate, some people see them as a kind of conflict between two approaches and two strategies regarding Palestinian cause, national struggle goals, and occupation resistance. Yet, others see them as a conflict over powers between the different powers under the name of reform.

Following are the differences (not to obscure their content, which no doubt includes, big political³ and reform-related⁴ headlines) in their (realistic and real) normal size which refers them to the general political context, especially, the deadlock of the political process.

Why? In order not to replace evaluating the practiced policy in effect according to the conditions governing it (either from the position of Presidency or Cabinet) with the "intention trial" (even if there is any). Thus, we should not ignore a crystal clear fact, which is the Palestinian political system crisis. If such system continues as it is, extreme damages will catch the national state. Reforming this system can not be suspended on the release of political process. Contrary, it should immediately open its "workshop" along with the continuity of the Intifada and the resistance, to undertake the burdens of confronting occupation.

2. Creating an empowered prime minister⁵ post is an important point in the "Road Map" regarding the PA restructure. This required amending the provision of Prime Minister post in the Basic Law. It was changed into a "constitutional" post in the amended Basic Law⁶ issued by the Legislative Council on March 18, 2003.

With all the required caution and reservation in using terminology of independent states and reflecting it on self-rule under occupation, we should examine the changes witnessed by the Palestinian political system. First, the Palestinian political system was controlled by a strong President who managed to weaken the Legislative Council using so many ways and methods. Later, the Prime Minister and the cabinet could use their competences to occupy a good part of the scene, though it was at the same time responsible to the PA's Chairman and to the Legislative Council (whose role was consequently strengthened).

The Legislative Council refused the amendment of the Basic Law proposed by Arafat. The proposed law provides that the Prime Minister shall consult the President of the PA on his cabinet. Such refusal came at the background of conflict on powers which accompanied developing the amended Basic Law. It gives, at the

same time, an example of the tensioned relations between the President and the Prime Minister in that period.

After the Palestinian system was based on this tripartite approach, and with a different assignment of responsibilities and powers according to the amended Basic Law, it has not of course led to equality among the three branches. To illustrate, presidency position is the most important and influential, followed by the cabinet, then the Legislative Council came at the end.

Yet, this "amended" system reduces the competences of many positions and limits them to the presidency institution. Moreover, it results in conflicts between the three powers according to their rank and the balance inside the "ruling" party which controls the three institutions (presidency, executive, and legislative). In this case, the importance of "responsibility personification" is maximized. The term identifies who occupies any position, who assumes any responsibility and from which political vision. When these visions get apart, conflict is intensified. On the other hand, when they get closer, conflict is limited. This is why there was a difference on the form and content of relations with presidency institution, before the death of Abu Ammar, between Mahmoud Abbas's government and Qurei's government.

In the context of separation, for the first time, between the President of the PA and the Prime Minister, the sixth Palestinian government was formed, headed by Mahmoud Abbas, on April 29, 2003 and resigned on September 6, 2003⁷, "one hundred and thirty-day plan", as in Abu Mazen's words, undertaken by the government summarizes the compound crisis of the Palestinian Cause (which lacks a joint program in a clear strategic vision) into a political system crisis in the light of a stalled settlement, intense external pressures, and divisions in the ruling party.

To the president of the cabinet who assumed the responsibility of Ministry of Interior, the government was formed including 24 ministers. Yet, the name of the Minister of Waqf was not announced to protect him from the occupation prosecution as he resides in Jerusalem. The Ministry of Captives, which was not included in the previous cabinet, was restored as a portfolio for its importance and sensitivity. Beside this ministry, the main changes concerning the portfolios and its scope of responsibilities are set forth as follows:

* Ministry of Foreign Affairs: in accordance with the Interim Agreement (Oslo 2), the PA shall not have powers or responsibilities in the sphere of foreign relations⁸ which are assigned to the Ministry of Foreign Affairs. Hence, the five previous governments aspired to create a Ministry of Planning and International Cooperation (MOPIC) to assume these responsibilities or some of them. This created a permanent competition and clashes with the political circle in the PLO. It led also to power struggle,... etc.

The new government cancelled the MOPIC and maintained a Ministry for Planning (without assuming the international cooperation responsibilities). Moreover, it created a new ministry for foreign affairs, which accelerated the deterioration in the relation between cabinet and political circle.

* Ministry of Negotiation Affairs: before the formation of the government, Mahmoud Abbas, in his capacity as General Secretary of the Palestine Liberation Organization (PLO), was entrusted with the responsibilities of the PLO's Department of Negotiation Affairs. He was exercising his responsibilities

through the high commission for negotiations which is under the supervision of the executive committee; i.e., Yasser Arafat. Upon forming the government, the responsibility of negotiation department were assigned to Saeb Urayqat who participated in the executive committee's meeting as an observer.

- * The ministry which was assigned to Saeb Urayqat raised legitimate questions on the reason behind its establishment as long as negotiations are not the responsibility of the government (not the PA). Therefore, this step was put in the context of power struggle with Yasser Arafat, who is concerned with negotiations.

- * Ministry of Interior: this portfolio, since the fourth government, was assigned to a specialized minister (Abd al-Razeq al-yahia, then Hany al-Hassan). Thus, reassigning it to the Prime Minister in addition to Mohammed Dahlan, the minister of state for security, was seen as a manoeuvre to engage Dahlan in assuming the Interior responsibility, which is against Arafat's will.

It was an unsuccessful beginning of a highly sensitive issue which has for long been the concern of external parties who practiced pressures on the PA for this purpose. The issue is focused on defining who assumes the responsibility of security services. In addition, it is relative to several issues with conflict nature with respect to restructuring the security services, uniforming their responsibilities, and covering their budgets, especially if we take into consideration the conflicting references of this issue. The Basic Law provides that domestic security services (namely, the police, preventive security, and civil defense, but not the national security forces, i.e., the Palestinian army) are the responsibility of the government. Yet, the "Road Map", approved by the PA, stipulates that all security services should be at the disposal of the Prime Minister.

These are examples of the controversial issues between the Arafat and Abu Mazen (and the power centers in general) since the sixth government got in office. A series of incidents took place. Some of them are relevant to power struggle (starting from officials' department, through the port, and ending with the T.V). Others include political ones (which started particularly when the Aqaba summit was held on June 4, 2003). These incidents forced Mahmoud Abbas to submit his resignation before the Legislative Council on September 4, after he made his way to it among many power centers in the Authority and the ruling party. These powers (as in Abu Mazen's words in his speech before the Legislative Council) carried slogans talking about betrayal, collaboration and connection with the foreigner.

4. Mahmoud Abbas's government faced political difficulties in the beginning when the Prime Minister gave a statement in the Aqaba Summit, in which he presented (unjustified and unaccepted) political and ideological waivers. These waivers were not only on the account of the Palestinian national constants, but also on the account of the "Road Map" itself, in response to the American pressures.⁹

However, this government could present its Palestinian perusal to the "Road Map" in an attempt to lift its ceiling: through the call (which remained just a call) for exceeding its second phase regarding the establishment of a Palestinian state with interim boards (which means in practice moving to long term interim

arrangements) and moving immediately to the permanent status negotiations; or through the declaration of ceasefire on June 28, with the Palestinian consensus as an accepted alternative by the Quartet to dismantle the resistance infrastructure. Such declaration, if not leading to civil bloody confrontations (among Fatah factions firstly), will put an end to resuming resistance against assault and occupation.

Yet, all these achievements, including the steps taken in the field of domestic reforms, did not improve the status of this government. It suffered basically from its birth's conditions under external pressure and rough interference in the Palestinian affair as Abu Mazen's government caused internal conflict among Fatah factions themselves. Although the Basic Law provided the legal frame for its birth, the conditions necessary for its survival were not provided because of the conflict between the power centers inside the PA and Fatah movement itself as the majority supported Abu Ammar.

Abu Mazen's government could not, on its formation, protect itself against the external pressure and interference, and power struggle through engaging other political parties in undertaking the responsibility of the "government", thus, it remained, as its precedents, a single party government. In addition, it committed a great mistake when its Prime Minister delivered the Aqaba speech, thinking that responding to the American pressures gets Washington in the Palestinian side to press on Sharon to resume negotiations. Yet, these pressures were rejected by Sharon who did not respond to the ceasefire, but continued the assassination process until the ceasefire collapsed 51 days after being declared on August 19. Three weeks later, Abu Mazen's government resigned and the Palestinian cause entered the entire political deadlock and the boycott added to the isolation imposed on President Arafat the presidency headquarter until the siege reached very critical levels.

Notes:

¹See: pp. 177-183, of "Road Map... to what end?"

²See: *Disagreement*, published by "Dar al-Taqqaddom al-Araby", Beirut, and "al-Dar al-Wattanya al-Jadida", Damascus. First edition: March 2005.

³For example, Mahmoud Abbas's passive reaction to resistance under the pretext of refusing "militarization of Intifada", and his willingness to substitute the refugees' right to return with the requirement of right return home. On the other hand, we should not forget the approval of both Abu Ammar and Abu Mazen on Geneva document, the Dead Sea. Not to return to the similar stances of the two leaders, not to mention Oslo Accords.

⁴Arafat clung to his comprehensive powers, and refused reform and institutionalization. In this context, he accepted reform programs under great pressure. He insisted on making political decisions based on powers instead of effective political institutions and others which headed by him.

⁵Such post was created as a result of direct interference of the International Quartet. It went through a number of stations, starting from the "seven points" documents on May 12, 2002, presented to the PA, which addressed for the first time separation between PA President and Prime Minister posts, to "proposals for interim urgent steps" document, presented to Yasser Arafat on February 14, 2003 in Rammala. See: pp. 157-159, of "on the Palestinian Political System).

⁶See: pp. 197-210 of "on Political Palestinian System", chapter entitled "on the amending law of the Basic Law", and pp. 211-238, the provisions of this law.

⁷The third government stayed in office until October 7, 2003, i.e., for about 5 months.

⁸Article 9 of the Interim Agreement (28/9/1995) provides for the following (See: p. 174 of *Oslo Peace, illusion versus reality*, published by *Dar al-Taqaddom al-Araby*, First edition: September 1998).

1. In accordance with the DOP, the Council will not have powers and responsibilities in the sphere of foreign relations, which sphere includes the establishment abroad of embassies, consulates or other types of foreign missions and posts or permitting their establishment in the West Bank or the Gaza Strip, the appointment of or admission of diplomatic and consular staff, and the exercise of diplomatic functions.

2. Notwithstanding the provisions of this paragraph, the PLO may conduct negotiations and sign agreements with states or international organizations for the benefit of the Council in the following cases only:

- a. economic agreements, as specifically provided in Annex V of this Agreement;
 - b. agreements with donor countries for the purpose of implementing arrangements for the provision of assistance to the Council;
 - c. agreements for the purpose of implementing the regional development plans detailed in Annex IV of the DOP or in agreements entered into in the framework of the multilateral negotiations; and
 - d. cultural, scientific and educational agreements.
- e. Dealings. Between the Council and representatives of foreign states and international organizations, as well as the establishment in the West Bank and the Gaza Strip of representative offices other than those described in subparagraph 5.a above, for the purpose of implementing the agreements referred to in subparagraph 5.b above, shall not be considered foreign relations.

⁹See: *Mahmoud Abbas's statement*, pp. 196-197, of the "Road Map... what results?" See: also pp. 52-57, on the Aqaba Summit. The following are examples of the waivers set forth in the Palestinian statement quoted from this reference:

While the "Road Map" calls for "an immediate unconditioned ceasefire, to stop any armed activity and all violence activities against the Israelis everywhere", the Palestinian statement commits itself to declare a binding and time opened principle: "...we repeat our condemnation and refusal to terrorism and violence against the Israeli people everywhere... we shall use all our potentialities to end the armed Intifada (not just ceasefire) ...our goal is clear and we will strictly achieve it, to put own end to violence and terrorism. We will be active partners in the international war against terrorism..."

The Palestinian jumps from the Palestinian suffering under the occupation to "the Jewish suffering along history and how it is time to end it", adopting clearly the story that established the Zionist project in Palestine based on linking the Jewish suffering along history and their lack of a national home.

IV

The Political Context and the National Necessity to Form a National Coalition Government

1. After the collapse of the ceasefire on August 19, 2003, the Israeli attack moved to a new phase, governed by the insistence of Sharon's government on crating political and field incidents that can not be undone. They did so within the

continuous attempts to propose conditions imposing the geographical/security/functional solution on the Palestinian people in the frame of long term interim arrangements.

In this context, the Israeli government ignored the "Road Map" plan, even with its 14 reservations. It started a series of escalatory steps on three pivots: declaration of open war on resistance to eliminate it and its leaders, relaunching the project of enclosure and settlement (the Separation Wall)¹ under the pretext of Israeli security requirements, and finally taking an initial decision (without any implementation) to remove Arafat, and refusing to deal with any government under his control. Although the Basic Law provides for different powers for the PA President and the Prime Minister, which do not make the position of the first "irrelevant", and do not make the second under the control of the first. Yet, these powers create integration between the two positions in a clear hierarchy. The Israeli government aims not to negotiate with the government following Abu Mazen's based on the "Road Map", and to hold it into accountability and thus holding into account its practical steps regarding dismantling the resistance infrastructure and disarming it.

Regarding the Israeli decision to remove Arafat, the USA used the right to veto in the Security Council on September 16, 2003 to prevent an issuance of a decision proposed by the Arab states. This decision requires "Israel", the occupying force to stop any action that leads to removing the representatively elected PA President, or threatens him. Actually, the Israeli attack was politically and practically covered by Washington. It was the clearest coverage since Bush Administration entered the White House. Even the considered distance drawn by Washington, concerning Tel Aviv in the issue of the "wall" in the West Bank, was extended to distant borders during and after Sharon's visit (on July, 2003) to Washington. It was affirmed that the "Palestinian terrorism" is the problem, not the "wall". Thus, it should be intractable.

Along September, after assigning the government to Ahmed Qurei and before its formation, the American Administration informed all the Arab officials who visited Washington or New York that the US political efforts regarding the Palestinian-Israeli conflict were suspended, as there is no Palestinian partner combating terrorism and dismantling its organizations. In that time, there were statements as "I am still insisting on the two-state solution ...but this solution can only be achieved with a new Palestinian leadership that combats "terrorism" (Bush on September 19)... "Washington has not evaluated Qurei yet" the question is: does he have the power to control security services? The solution is to uniform security services under the control of the Prime Minister, not under the leadership of an extensive committee or the President (we mean the National Security Council headed by Arafat). "There should be a person capable of combating terrorism" (Condoleezza Rice on September 19). "The problem is terrorism, not the occupation ...the political process is suspended because Arafat is a failure" (Bush, on September 20). This type of statements continues even after Qurei formed his government: "Sharon has to defend his own country. The decisions taken by Sharon to defend his people are completely legitimate. We would have done the same if..." (Bush on October 7, after Maxim restaurant suicide bombing in Haifa on October 4).

On this background, Washington adopted the bloody campaign against resistance, which put aside the ceasefire agreement and practiced pressures on the

European Union to include Hamas movement on the terrorism list. This gave Sharon's government political coverage that it had never enjoyed. This coverage enabled it to extend its campaign. The purpose is to turn the Palestinian side into a state of chaos and dismantlement to push it, on the long run, into political failure.

2. The different points of views in the national line regarding the management of conflict, including forms of work and struggle, formed a big gap that benefited and is still benefiting the Israeli plan to the greatest extent. Yet, the most important gap in the Palestinian situation was and is being created by the reluctance of the PA and the ruling party from adopting a national policy that aspires, patiently and persistently, to go ahead on the national unity way using a joint program.

This attitude of the decision makers in the PA, at the background of power struggle, is paralleled by a policy intensifying the internal conflict inside the PA and the ruling party. This conflict reached its climax in Mahmoud Abbas's term in office and continued, though in a different way, until Ahmed Qurei's. Thus, it led to passive results, the most important of which is getting away from the priority of seeking to go ahead on the national unity way.

The internal battle inside the PA and its ruling party (because of the unequal distribution of between them) was not run on contradictory political options. Thus, we assure that the principal dispute between the two leaders, with its direct results, was limited, while the tactical dispute, as Abu Mazen thinks, is probable. The most important thing is the possibility of the US effective pressure on Israel, though he is not the only one who holds this influential opinion, if it is not its direct extension, at the other party in the PA which claims to be under Yasser Arafat's control. The essence of dispute between the two parties is power struggle, ignoring the role of all other political powers, in a clear attempt to marginalize them, except for what can be employed in the conflict course. It is certain that the national unity can not be achieved through a policy of people support to the President (it is an indication of the people's visit to the Presidency headquarter in the "boycott" in the period of the hot confrontation with Abu Mazen). Yet, the national unity is achieved through a wide national coalition based on democratic relations and leads to a unified leadership position under a joint program.

The deadlock of the situation in that period, which focused on the political course and Washington's support to Tel Aviv's policy, has only provided the Palestinian side with the chance to get united according to the unified national leadership and national coalition government. It is taken for granted that the Palestinian situation, which is internally divided and distributed on many political and tactical attitudes, including the one represented by the Islamic movement (as an opposing pole to the Authority, regardless of the dispute's reasons), did not allow to bet on a forthcoming (and simple) bridge of the gap between the bilateral poles. On such bridge, a joint program with its practical leadership aspects is based, together with the third pole (the widespread democratic current). On the other hand, the dominant power's percentage in the national movement framed in the PLO, specifically between the Authority and the opposition's attitudes, did not allow the latter, particularly its democratic powers, to impose a method of work to overcome the problems of autocracy and authoritarian prevailed in the PA and the PLO alike.

3. The question is what we should do on the short run, taking into consideration the crucial situation of the Palestinian cause. The US-Israeli pressure focused on the need to another Palestinian composition (a new leadership). This composition should be different from the current one (including Abu Mazen, Abu Alaa... etc.) with its defects. Moreover, it should practically acknowledge the Israeli government's policy. Until this composition emerges, the confrontation will continue enhancing the power percentage in favor of the Israeli project.

In other words, Sharon has been putting the Palestinian movement before two options: either the immediate surrender to its conditions or it would go ahead in its escalation until the Palestinians surrender. He adopted the methodology of: what can not be solved by the policy of iron and blood, and state terrorism with the Palestinian, will be solved by committing more terror acts. This attitude in the Israeli policy makes use of the US attack, in the strategic meaning of the word, on our region. Moreover, it benefits from a high standard American support to its interests and sharing the same principles with respect to the war against terrorism.

The lessons learned from these difficult situations of confronting the Israeli occupation, facing the US-Israeli pressures, resuming the Intifada and secure resistance elements in the national independence battle, proceed with reforms and purify the Palestinian government from corruption and laziness, devote democracy and national unity, we can say that the results achieved on the national level in this context is:

1. Make use of entrusting Abu Alaa with the government formation after Abu Mazen's resignation to extend the space of national participation which is based on both support and opposition.
2. Agreeing on the national unity in the frame of the joint program and a national coalition government whose performance is controlled by this program.

Yet, what happened turned over the table and the record of Abu Alaa government (or rather governments), was added to its precedents'. It was based on autocracy and authoritarian regarding the national and public matters.

Notes:

¹On October 1, 2003, the Israeli government decided to undergo the second phase of building the "wall". This phase includes the area from south Qalqilia alongside with Ariel settlement to Ramalla and north Jerusalem. The first phase of the "wall" was dangerous with its implications and consequences. Yet, it remained, with few exceptions, near the "red green" although it confiscated lands, separated the Palestinians from their places of work, and enclosed others with security fences. However, what the Israeli government announced on October 1 has a different meaning. To illustrate, the "wall" this time, will include the Palestinian West Bank.

V

Ahmed Qurei's Emergency Government The political system crisis is getting worse

1. After the resignation of Mahmoud Abbas's government, Abu Ammar entrusted Ahmed Qurei, the speaker of the Legislative Council and member of Fatah Central Committee with forming the seventh government. Abu Alaa sought from the beginning to create the possible cooperation between three parties: the US and Israel, regarding negotiations and settlement efforts, on one hand, and Fatah movement, regarding the internal situation, on the other. He supposed that there was no chance before the government to rise, unless it is a part of the US political equation of settlement in the region. Therefore, he called on the United States and Europe to declare their support to the peace process: "I am not ready to be a failure. I am concerned with ensuring whether peace is possible, or not." Ahmed Qurei said that Washington assumes a main responsibility in turning Abu Mazen's government into a failure. It practiced pressures on him to take certain positions (for example, the Aqaba statement), and did not protect the Palestinian decision of stopping ceasefire from the Israeli violations which eventually put an end to it.

Concerning Fatah movement, Ahmed Qurei is an actor in the decision center. He has been informed with the daily details of Fatah's disputes since the idea of the "prime minister" was proposed, until the collapse of Abu Mazen's government. On the other hand, while considering the formation of the government, Abu Alaa completely ignored the PLO factions and all political powers. He did not consult them seriously, however, his concern, consultations, and direct and indirect communications focused on the three parties he was interested to cooperate with.

The US did not ignore Abu Alaa message to it. Therefore, it released statements by its officials, on the top of them come Colin Powell, US Secretary of State and Condoleezza Rice, National Security Advisor. These statements explained that Washington's position towards the government depends on the reforms it conducts, the role it can play, the actual policy it promises to adopt, and the efforts made to eliminate terrorism and dismantle its infrastructure.

Tel Aviv, in its turn, declared a diplomatic position that it will deal with any government formed by the Palestinians on unchanged conditions. At the top of these conditions are to eliminate the "Palestinian terrorism", disarm resistance groups, and accepted the "Road Map" plan with its 14 Israeli reservations.

On our part, we were totally aware that Abu Alaa's government will face more political obstacles than Abu Mazen's has faced. The bottom line was dismantling the resistant infrastructure and stripping them of their weapons, and it was quiet clear to us, even before the 6/28 declarations, that this will come to the detriment of the "halfway solution", that is, reaching a ceasefire with no anti-Palestinian conditions. Later, the course of events came in support of our point of view, as the government that Abu Abu Alaa was to form had no other choice than seeking a renewal of the cease fire, but this time with even harder conditions. Washington was less likely to accept such ceasefire, not to mention Tel Aviv.

In this sense, we should understand that even if Abu Alaa said that his government's prime objective was to reach a ceasefire with Israel he would receive attention from neither the US Administration nor the Israeli government, despite

his confirmation that his government will endeavor terminating the chaotic situation that dominates the Palestinian territories by asking activist groups to stop attacking Israeli targets.

Abu Alaa didn't actually expect from the United States or Israel any new political stances other than those they have already adopted. He rather had two objectives in mind; first he wanted to be recognized by them as a Prime Minister and not to be politically quarantined as Yasser Arafat had been, and second he wanted to cover his back in case he fails in his mission, and the only way to do this was to put the blame on the United States and Israel and make them look like hampering him, the popular and successful Palestinian negotiator.

When things went, however, proved that the real challenge Abu Alaa had to face was something completely different; that is, Fatah Group with all varying inclinations. Surprisingly, Fatah's behavior during the formation of the government came in favor of this assumption.

2. Since Abu Mazen's government quit on September 6 and until the formation of Abu Alaa's 8-member government on October 5, which was mistakenly and confusingly labeled "the emergency government", Abu Alaa found himself right in the middle of Fatah's internal conflict¹ a conflict that was vociferous enough to crack any external efforts. Abu Alaa, therefore, kept changing the titles of his government from the Crisis Government to the National Unity Government to the Small Government to the Regular Government to the Twelve-Member Government to the Emergency Government and finally, Abu Alaa has formed his new expandable 8-member government.² The product of all these efforts which took a complete month was a government that hardly survived for five weeks (until November 12), thus constituting another link in the regime's chain of deterioration.

We should note that Fatah's Central Committee (FCC) engaged in a feverish discussion over the new government formation. All Fatah Leaders seemed to be competing for portfolios. The final formation was a 24-minister government with 18 ministers from Fatah and 6 from other groups and independents. The question that ensued was; who of Fatah leaders will be named ministers.

After concluding his deliberations with the FCC, Abu Alaa began to talk with Fatah's organizational leaders in the West Bank and Gaza Strip, who didn't hide their harsh criticism even of the members of the FCC itself, describing it as "corrupt and offering cover for corrupt people". It was obvious that, even if Abu Alaa could almost convince the FCC, he failed to satisfy the demands of Fatah's Revolutionary Council or its leaders in the provinces, particularly that the number of portfolios available was only 18, while Fatah's portfolio seekers were more than 90.³

Abu Alaa has been suffering from the miserable conditions of the Palestinian Authority since he has been named Prime Minister. This is why he took the initiative of forming a "Crisis Government" with a minimized number of portfolios. This government was later called, in violation of the PA's Basic Law⁴ the "Emergency Government", in an attempt to go around the exceptionally critical situation of the PA.

Fatah's leadership categorically refused the idea, and reckoned that a miniature government will totally undermine their power ambition and greed. Moreover, other Palestinian political factions⁵ also refused Abu Alaa's proposal. They said it doesn't matter how big the government is, but what system it will follow. For them, the formation of the government practically posed nothing but a hindrance to

other authorities; i.e., the legislative and the judicial, while reserving for the government exceptional competences by virtue of which it could hamper any democratic-based internal dialogue, thus making the gap even wider. They said what was really important was to open the door for a national dialogue and provide national solutions for all the problems, and this can be done only through a national unity government.

3. These disputes were not only about a share of power or a government position, but were also about competence. The two main competence-related issues (since the formation of the fourth government that followed the "separation wall" campaign) were about the jurisdiction of both the Ministry of Finance and the Ministry of Interior.

The PA was obliged to deal with the first issue according to what was dictated by the donor countries who imposed Sallam Fayyad as a Minister of Finance on all Palestinian governments as part of what they called "the financial and administrative reform". Their aim was to make sure that their money will be spent only as they wanted, and they managed to provide a good reason for that, which is their desire to control a big part of the financing of the PA's budget and projects.

Luckily enough, the Ministry of Interior, unlike the Ministry of Finance, stayed persistently beyond the influence of foreign powers. The situation got even more complicated because the PA's Basic Law doesn't set clearly enough any jurisdictions or scope of responsibilities. This was due to many factors, the most important of which is that there were two security-related dimensions that the PA's interim self rule can't separate. The first dimension is an internal one, and is basically conditional and security-related; it tackles maintaining public order and preventing violations. The other dimension is external and related to facing external threats and is handled by the Military and by Foreign Security. This interim nature of the PA, and the fact that up till now it doesn't have any clear borders, sovereignty, or defense mechanism, led to: a) deflating the external importance of security as a responsibility that needs enough competences (while maintaining the structure of the National Security Forces, General Intelligence...); and b) expanded the role of internal security which depends on the work of national security authorities, such as police forces and protective security forces, etc.

The jurisdiction of the Interior Ministry and the whole security matter have remained pending throughout the term of Abu Mazen's government, and dominated the scene again as Abu Alaa was entrusted with the formation of a new cabinet. It became necessary to determine who exactly is the Minister of Interior, what his competences are, to whom the security authorities are reporting, and the limits of the competence of the government as a whole.

The answer to these questions came as follows: The government had no control over National Security Forces, but still it was responsible for internal security through the concerned authorities. Meanwhile, a National Security Council (NSC) had to be formed under the presidency of the PA's Chairman, the vice-presidency of the Prime Minister, and the Membership of the Minister of Interior and other members. The responsibility of this council was to lay down high-level security policies, and its decisions were binding to the Prime Minister, the interior Minister, and the whole cabinet.

This "National Security Council" formula has been under discussion since Abu Mazen's government. To some, it was a logical solution that would pave the way to the distribution of power. A dispute, however, erupted over the selection of the

Minister of Interior, the system of employment and promotion, and the limits of the interference of both the PA's Chairman (in his capacity as the Chairman of the NSC), the Prime Minister, the Interior Minister, and the President's National Security Advisor.

To sum up, there has been a simmering dispute since the appointment of Abu Mazen's government, the core of which was jurisdiction, and it was furthered by a hazy political situation that turned security authorities into a source of power to the party who controls them, and source of woe to those who don't seek this control.

4. As Hatim Abdel-Qadir, member of Fatah's Revolutionary Council and the Legislative Council, puts it, this dispute over jurisdiction, together with the inability to meet the demands of portfolio-seekers within the ruling party, "drove the cabinet's ship against the mountain of Fatah's portfolio seekers," thus shutting the door on the formation of an expanded government, and offering the opportunity to Ahmed Qurie to form his so called "Emergency Government".

The formation of the Emergency government has stirred a lot of fuss on the national level⁶ because it turned its back to the stance of the Executive Committee and to the call of political powers for an expanded government. Moreover, as we mentioned above, it violated the PA's Basic Law which doesn't allow the formation of emergency governments, but allows the declaration of the state of emergency within certain limits that don't apply to the current political situation.

The Legislative Council agreed neither to approve this cabinet formation nor to declare the state of emergency. It rather found such acts as overstepping its authority and belittling and marginalization its role. Therefore, the Legislative Council summoned the cabinet to appear before it⁷ and to submit its ministerial statement, confirming that the government will in all cases stay responsible to the Legislative Council as well as the PA's President, and that the Council keeps the right to withdraw confidence from the cabinet if necessary. The outcome of the Council's discussions was granting confidence to the cabinet for only one month, then it will have to submit its resignation to the PA's President, allowing the formation of a new government.

All various parties of the Palestinian Authority have agreed to this settlement. The government, consequently, stayed for a complete month without doing any activities, thus aggravating the crisis rather than solving it.

The formation of an emergency government can be analyzed as an awkward maneuver. The difficulty of forming an expanded government because of Fatah's internal disputes has obstructed the selection of an Interior Minister,⁸ such obstruction was also partly due to the disagreement between the PA's President and the Prime Minister. The latter, whose mandate has expired, had to move on, leaving his place for a replacement. This clearly shows how intricate the Palestinian situation has become, and proves that the PA's problem has gone so intense that it became unable to form its own government.⁹

It was difficult to find an alternative for Qurie because the position of a Prime Minister has turned into a source of torture to the members of the FCC, this is why the PA has resorted to the emergency government maneuver for one month so that it can claim that it has already formed a cabinet and at the same time use this period to continue its negotiations with Fatah in order to propose a new expanded government by the end of the month.

The emergency government was nothing but a cloak for hiding the crisis that was aggravating within the PA and Fatah. This is why this government existed for one month doing nothing, and its members stayed idle because they knew they existed only to cover up the PA's crisis rather than solve it. Just before the end of the month Abu Alaa submitted his resignation, but again he was entrusted with forming an expanded government, and this was how the cabinet formation problem went back to square one.

The resignation of Abu Alaa's emergency government on November 4, 2003, coincided with the announcement of the final results of a survey carried out by the European Union which showed that 59% of the people in the EU member states view Israel as the biggest threat to world peace. This coincidence proved how Palestinians were unable to exploit such a positive turn in the international opinion in favor of the objectives of their national struggle.

Notes:

¹"All what they say is false, the only thing that is real is their power sharing struggle... when people struggle to share power they act like if an era is ending and they have to pounce on the leftovers, no matter how brutal they look like, they act in such a way that even beasts wouldn't do. No need for details." (an article titled *This is how we are... in our tiny cage*, by Nabil Amr, member of the Legislative Council and the Revolutionary Council of Fatah Group, and Minister of Information in Abu Mazen's government. This article was published in the London-based Hayat paper on October 14, 2003.

²Same source.

³See the Minutes of Abu Alaa's meeting with Fatah's leaders in Gaza Strip on the eve of the new government formation as published in *Al-Hurriya* magazine in its Issue number 958 (2032) on September 29-October 4, 2003.

⁴The amended Basic Law says that only a state of emergency can be declared, not an emergency government (Chapter 7 State of Emergency Provisions, Articles 110, 111, 112, 113 and 114).

⁵In its meeting on September 6, 2003 following the resignation of Abu Mazen's government, the committee refused the concept of a "miniature government", and demanded a bigger cabinet that would get the Palestinians out of such dilemma and open new political horizons. On its part, the Democratic Front for the Liberation of Palestine said it was necessary to learn the lessons of Abu Mazen's government and called for the formation of a national unity government. On September 29, 2003, the anniversary of the Intifada, all Palestinian factions issued a statement calling for a national unity leadership.

⁶See: the negative reactions to the formation of the emergency government quoted in a report published by *Al-Hurriya* magazine in Issue No. 960 (2034) on October 12-18, 2003.

Al-Aqsa Brigades have also issued a declaration describing the emergency government, with Nasr Yussif being its Interior Minister, as a US-Israeli product, and called upon all national factions to promptly act toward getting rid of this government.

⁷The government didn't appear before the Legislative Council and didn't submit any ministerial statements to be granted confidence. A presidential decree was issued on October 5, 2003 to form a new government which included Ahmed Qurei as a Prime Minister, Sallam Fayyad as a Finance Minister, Nabil Shaath as a Foreign Minister. The government also included the following ministers without determining their portfolios: Naeem Abul Hummos, Saeb Urayqat, Dr. Gawad Al-Teeby, Gamal Al-Shwiky and Abdel-Rahman Hamad.

⁸This disagreement over the selection of an Interior Minister was due to a jurisdiction-related dispute between President Arafat, who selected Hakam Balaawy for this position because he was loyal to him, and Abu Alaa who chose Nasr Yussif because he was an army officer and could deal with the day to day responsibilities and problems of security authorities, and most importantly because he was not related to

Arafat. The PA didn't accept Nasr Yussif because he had an influential personality and was able to draw hard-to-trespass limits for the competence of security authorities.

⁹The PA's Basic Law grants the Prime Minister a period of three weeks (extendible for two extra weeks) to announce the formation of his government (Article 66). Abu Alaa took the whole period, as he was entrusted with the formation of the cabinet on September 6, so he had to declare his proposed government on October 5, 2003, because otherwise he would have been obliged to leave his mission to someone else.

VI

Abu Alaa's Second Government: A Continuation of the Single-Party Tradition

1. The month-long deadline has passed without a single decision being made, or a single law being passed by the government to justify its emergency nature, or to provide a good reason for the state of emergency that has been declared in the Palestinian territories. The purpose of this government was to a) provide cover for a new round of negotiations with Fatah's portfolio-seekers and b) to reach an agreement with President Arafat concerning who will be the next Minister of Interior and what are the limits of his competence in supervising security authorities.

The first objective was accomplished when Qurie assigned 18 out of the cabinet's 24 portfolios to Fatah group. He also applied his pressure to distribute this share between both the "old guard" and the "young generation" of Fatah Movement, although the latter's share was much less than the former, especially of those old figures who stayed in the Palestinian cabinet since it was established in 1994.¹

The second objective was tackled by Arafat himself who chose al-Hakam Balaawy, his loyal man and member of the FCC, as an Interior Minister. Arafat also shrank the competence of Balaawy, limiting it to administrative affairs and to the police, while keeping other security authorities (National Security, Force 17, Marines, General Intelligence, etc.) under the control of the national Security Council presided over by him. Arafat applied the principle that these authorities must be affiliated to the PA's Chairman –whose position equals that of a president in independent countries– in his capacity as the Supreme Leader of the Armed Forces.

2. It is also worth mentioning that the Democratic Front for the Liberation of Palestine (DFLP), one of the stubborn opponents of the PA and particularly of Oslo Accords, said it was ready in principle to participate in the government that is being formed.

By doing so, the DFLP passed through two important stages that were surrounded by important political developments. The first stage was the "post-Separation Wall" stage which influenced the Intifada, the resistance, and the

Palestinian Authority itself, and raised many issues on the international scene where the PA's internal reform was viewed as a source of woe to the Palestinian people as it didn't bring the Israeli occupation and settlements to an end. Within this cloudy situation, the DFLP has submitted its "Project for National Reform and Democratic Change"² which called in particular for the formation of a national unity leadership.

The second stage came 15 months later with the resignation of Abu Mazen's government and the subsequent turbulent developments that we mentioned earlier. This coincided with the DFLP's initial declaration in mid September, 2003 that it would participate in the formation of the new Palestinian government, which said: I. The Central Committee's acceptance to participate in the Palestinian government is based on the following conditions:

a) The Palestinian Liberation Organization (PLO) shall be recognized as a competent political authority, and a new approach in negotiations shall be adopted where a fixed timetable will be stuck to, so that both the Israelis and the Palestinians will carry out their duties reciprocally and in accordance with the Road Map. First, Israel should recognize Palestine as a sovereign state, agree to a mutual ceasefire under the supervision of international observers, halt the building of new settlements and dismantle the old ones, pull down the Separation Wall, release the detainees, withdraw from the territories occupied after September 2000, lift the siege and end all closures, and rescind the ban it has imposed on the Palestinian institutions in Jerusalem. The role of the Quartet Committee shall be revived and it shall resume its observatory role to pave the way to the Permanent Status negotiations based on resolutions 242, 338 and 1397. The Arab Initiative has also to resume its role in solving the problem of refugees according to Resolution 194 which entitles all refugees to restore their homes and properties. On its part, the Palestinian government will stick to its commitments so long as no violations are committed by the Israelis.

b) The issue of security shall be addressed through national dialogue. All factions shall avoid violence, and all the procedures that have been applied against charity and civil society organizations must be cancelled. The DFLP must be constantly updated with and engaged in any security plans proposed by the government.

c) In addition to the resumption of financial and administrative reform and the fighting of corruption, a new democratic reform program shall be applied, where the government: 1) proposes a new electoral law to the Legislative Council that is based on a blended system for constituencies and proportional representation on the national level, prepares for free parliamentary and presidential elections, and holds municipal elections; 2) addresses poverty and unemployment problems through the establishment of a National Fund for Social Solidarity and submits a draft law to the Legislative Council in this respect.

II. The FCC shall authorize its Political Bureau to discuss all tactical, mobilization, and media-related aspects of the government, as well as its relation with all concerned Arab and non-Arab countries. The Political Bureau shall also take the necessary steps that allow participation when all conditions are satisfied (which also means that participation is not obligatory if such conditions are not satisfied).

3. The emergency government had shut the door on any possibility to expand the distribution of national duties. However, the commencement of a new round of deliberations to form the new government gave the impression that the single-

party tradition will finally be abandoned, leaving the door wide open for participation in Abu Alaa's second government, i.e., the eighth Palestinian government. The DFLP paid much attention to the crisis that the Palestinian politics was facing, and understood that this crisis is furthered by political stagnation and by the pressing need for all factions to stand together in face of any difficulties that may arise in the next stages and work as hard as they can to get over any obstacles. Therefore, the DFLP has expressed its aptitude to participate in the government, thus answering its own call for the formation of an expanded government that comprehends as wide spectrum of Palestinian factions and national figures as possible.

The DFLP has in many events informed both the PA's President and the Prime Minister of its stance. Its participation in the government now depends on a number of factors that it reckons necessary for the government to be a real national unity government.

However, such step, with all its ensuing political consequences, was considered by the PA, but it sounded very hesitant because it has always preferred to be the sole decision maker.

So, when Abu Alaa decided to go around the DFLP's conditions by merely selecting one minister from the Front without discussing the government's plan of action with them, the DFLP found itself obliged to excuse itself from accepting this portfolio (the Ministry of Justice), and this wasn't about the position itself, but rather about the political role that the government was supposed to play. Therefore the Front believed that the other PA bore the responsibility of sabotaging an experience that would have stimulated the government's relationship with all Palestinian factions.³

Notes:

¹The new cabinet included: Ahmed Qurei as a Prime Minister, Al-Hakam Balaawy as an Interior Minister, Nabil Shaath as a Foreign Minister, Sallam Fayyad as a Finance Minister, Saeb Urayqat as a Negotiations Minister, Maher Al-Masry as an Economy Minister, Azzam Al-Ahmed as a Telecommunication Minister, Gamil Al-Torefy as a Civil Affairs Minister, Abdel-Rahman Hamad as a Minister of Public Works and Housing, Entessar Al-Wazir as a Social Affairs Minister, Hisham Abdel-Raziq as a POW Minister, Naeem Abul Hummos as a Minister of Higher Education, Gawad Al-Teeby as a Minister of Health, Nabil Qessis as a Planning Minister, Hekmat Zeid as a Transportation Minister, Nahid Al-Rayes as a Minister of Justice, Suliman Abu Sneina as a State's Minister, Ramzy Abu Eita as a Tourism Minister, Al-Shweiky as a Local Governance Minister, Yehia Khalaf as a Culture Minister, Rouhy Fattouh as an Agriculture Minister, Salah Al-Tamoury as a Minister of Youth and Sport, Qudwa Faris as a State's Minister, Zohaira Kamal as a State's Minister and Ghassan Al-Khatib as a Labor Minister. Abu Alaa didn't chose the Minister of Information and the Minister of Waqf (because the two portfolios have to be taken by a resident of Jerusalem). The Ministry of Power and Natural Resources have been turned into independent authorities affiliated to the Cabinet, though it has been previously acknowledged as a Ministry and Azzam Al-Shawwa was selected for it.

²See the book titled: *The Separation Wall*, pp. 38-46 (this source has been mentioned earlier).

³Qays Abdel-Karim, Member of the DFLP's Political Office, stated on November 18, 2003 that the DFLP doesn't find the new formation of the cabinet motivating enough to take part in. He promised, however, that the Front will maintain its dialogue with the Prime Minister as it may participate in future governments if all its demands are satisfied.

On November 9, 2003 the DFLP issued a statement that read: "The formation of a new government that doesn't have a unified political system, and without a democratic reform program that covers all the PA's institutions under a unified national leadership, will only put more obstacles in face of the government and lead it to a stalemate."

VII

Abu Alaa's Second Government: No Agenda for Politics or Reform

1. Though it was granted confidence by the Legislative Council, the new government had to face two political and reform problems that Abu Alaa didn't pay attention to. These two problems caused a lot of troubles that could have been avoided during the launch of the government.

The first problem was related to the wide-scale participation of governmental and organizational figures (from Fatah)¹ in signing the Dead Sea Agreement that was announced in a showy celebration in Geneva,² thus sparking a wave of national opposition among all Palestinian factions because the agreement's vision of the Permanent Status wasted the rights of refugees, underestimated the importance of Jerusalem, and diminished the sovereignty of Palestine as an independent state. This situation undermined the government's credibility and Abu Alaa found himself in a bit of a fix that he tried to escape by ungainly claiming that his participation in the Dead Sea Agreement and in the Geneva celebration was not formal.

The second problem was connected to the system of the Ministry of Finance, and the measures applied by Sallam Fayyad to control the PA's sources of income and make all financial matters controlled solely by the Ministry of Finance after it has been partially controlled by other authorities which were used to receive direct external donations, such as the Ministry of Planning, the Ministry of Foreign Affairs, and the various security authorities.³ Another procedure applied by Fayyad was to control all governmental expenditures, particularly the expenditures of the PA's staff, including those working in various security authorities. Fayyad totally changed the expenditure system, from the system of expenditure tables that were supervised by managers in various ministries and by unit commanders in security authorities (this system granted unit commanders unlimited competence by virtue of which they followed corrupt financial and administrative practices), and introduced a new transparent system according to which money could be spent only with cheques carrying the names of the holders. This system was good enough to impose control on the expenditure mechanisms and bring the financial chaos in the security authorities to an end (this chaos involved using the names of people who don't belong to security authorities).

Depriving senior officers of all these privileges caused a wave of opposition that included the Chairman of the PA himself who was worried that his own financial privileges may be influenced as well. The relationship between Arafat and Abu Alaa reached a deadlock and Abu Alaa was obliged to resign. Only when mediators and advisors persuaded Arafat that his financial privileges will stay untouched, and Fayyad expressed this meaning in a formal statement did Arafat and Qurie resume

their talks on how to implement the new procedures proposed by the Minister of Finance.

2. This troublesome start of the new government directed Qurie's attention to another issue. He needed to garner stronger political support from all Palestinian factions to be able to move on to the regional political level, particularly with the stagnation that dominated the scene after the collapse of the ceasefire. Mahmoud Abbas had previously thought that he could, under the umbrella of this ceasefire, reach a political settlement within the framework of the Quartet Plan (i.e., the Road Map).

At that time, Israel's Prime Minister Ariel Sharon hadn't unleashed his "Disengagement Plan" whose broad lines were declared on December 18, 2003, in Hertzliya's Fourth Conference on "The Balance of Israeli's National Security". The Road Map Plan was the only proposal available on the scene although it wasn't actively implemented. Paradoxically, this plan was given international legitimacy when the UN's Security Council unanimously adopted it in its November 19, 2003 meeting by virtue of its Decree 1515, which coincided with the formation of the new Palestinian government.

Hence, it was justifiable that Abu Alaa would attempt to restore the broad lines of the scenario that was drawn up by his predecessor Abu Mazen and start taking practical steps toward the implementation of the Road Map Plan, starting from the declaration of a ceasefire on June 28, 2003 after already satisfying all its political requirements in Al-Aqaba Summit on June 4, 2003. Qurie's scheme to revive this scenario was to persuade all Palestinian factions of the ceasefire using his mandate as a Prime Minister to make the necessary contacts that would bring the political process back on track.

Qurie traveled to Cairo early in December 2003 to attend the Second national Palestinian Dialogue⁴ where he asked Palestinian factions to mandate him to start political activity. This mandate means that both the Palestinian armed groups and Israel will abide by any mutual ceasefire agreement.

Abu Alaa failed to receive his aspired mandate in Cairo for many reasons, the most important of which was that his government missed political balance and didn't reflect the true tendencies of the Intifada, the resistance, or the PLO. During the conference Abu Alaa was an incarnation of his government's flagrant contradiction; it totally disregarded all political groups during its formation, yet it began to seek the support of the very same groups, even before agreeing on the political program that it will follow during negotiations, or a decision-making mechanism that it will stick to, and that can be used by political groups to question it about how it has been committed to this mandate.

3. The problem of the Palestinian government was not only due to its narrow political base, but it was essentially due to the US-Israeli stance from it. Washington, which had previously hailed Abu Mazen's government, considering it a step toward what it called a "new Palestinian leadership", this time it cautiously dealt with Qurie's government, and regarded it as a maneuver from Arafat to go around the principle of power and responsibility distribution, it also didn't find Abu Alaa competent enough to undertake the responsibilities of a Prime Minister as set forth in the Road Map Plan and the Quartet Committee requirements. Hence, the

US Administration refrained from inviting Abu Alaa to come over and meet US officials as it had previously done with Abbas.

The miscommunication between Qurie and Washington was paralleled by another miscommunication, reaching the level of boycott, with Tel Aviv, which didn't hide its theory of the absence of a Palestinian partner. This theory was practically supported by Washington which decided to change its Road Map-hampering tactic into a new "Unilateral Disengagement" plan.

In Sharon's point of view, the unilateral Disengagement Plan had an extra advantage, as it not only threw away the Road Map Plan, but it also, as its name suggests, didn't require any Palestinian negotiators. Sharon's new plan could also be viewed as a preliminary stage toward the implementation of the road Map rather than an extra contextual or contradictory plan, and this was what really happened between the Quartet parties, the PA, and other Arab countries.

Apparently, Qurie was hesitant to meet Sharon, because such meeting was estimated as politically and practically futile, an estimation which later turned out to be true. Moreover, such a meeting would only result in more direct pressures being practiced against his government under the pretext of his negligence in "fighting terrorism".

The Palestinian government lived these dark circumstances and was inflicted with political idleness, which Abu Alaa tried to hide with a series of actions and meetings. He repeatedly met with the representatives of Palestinian factions, repeating the same mottos of his government without contributing to reunite the Palestinian people. He also met with the leaders of Egypt, Jordan and other Arab countries to declare the stance of the Palestinian government and the PA which depended on the Road Map Plan as a basis for resuming negotiations with Israel. All these meetings failed to clear the political impasse with Tel Aviv.

The Palestinian formal situation stood still, and the major problems remained pending and neglected, if it didn't get worse. This was clear as:

- The file of refugees and detainees received less attention, until it was totally closed, although it had previously received all the attention during the term of Abu Mazen's government. The file remained disregarded by Abu Alaa's government and the PA until the situation went out of control inside Israeli prisons, with all the POWs and the detainees starting an open strike late in August 2004. While the Palestinian people rushed to support the detainees in what was known as the "Empty Guts Battle", the government didn't do more than talking it apparently lacked a plan to raise this issue on the regional and international levels.

- The government didn't have a plan to support the Palestinian people in its resistance and the economic situation got even worse. The citizens felt that no subsidy was offered by the government and statistics showed that poverty and unemployment were soaring. The government didn't do more than putting the blame on the Israeli occupation and assaults, without laying down any plan to soothe the aggravating situation. On April 15, 2004, The Nasser-based Koll Al-Arab *All Arabs* magazine quoted Hassan Abu Lebda, Qurie's Office Manager, as saying: "There is a grim possibility that the PA will falter and leave the country in anarchy".

Israeli offensive was on the rise at the same time, bulldozing houses and agricultural lands and killing and arresting people, and hampering their day to day activities. All what the government has done was watch and condemn, without any

steps being taken toward rallying international pressure against the Israelis to stop them from pursuing their aggressive policy.

The government didn't work hard enough to offer relief efforts to those who were stricken by Israeli attacks. The experiences of the inhabitants of Rafah and Beit Hanoon refugee camps⁵ constituted a good example of this failure, provoking a public wave of anger whose repercussions reached the ministers and officials who visited these destroyed towns.

To sum up, the last government in Arafat's reign didn't possess any program for financial or administrative reform, even the few administrative and financial steps were the result of external pressures, but they weren't implemented anyway for lack of political leadership. On the political level, Qurei's government didn't have a clear political program. It rather followed an anticipatory policy without taking any initiative to agitate the political stagnation that dominated the Palestinian scene. This confusion between the government and the PA appeared clearly when Sharon announced his Disengagement Plan.⁶

Notes:

¹Members of the Executive Committee the National and the Legislative Councils and the Revolutionary Council of Fatah Movement.

²December 1, 2004. See under title: *Shadows and echoes: an analysis of the Geneva-Dead. Sea file*, pp. 11-84, in the book titled *Before Departure: Palestinian Politics and Regime* (this source has been mentioned earlier).

³E.g., the Protective Security Authority monopolized the importation and distribution of cement and fuel in Gaza.

⁴See: Chapter "The second Round of Caire Dialogue, pp. 85-109, December, 4-7, 2003" of the book: *Before Departure, Palestinian Politics and Regime* (this source has been mentioned earlier).

⁵When some ministers visited Beit Hanoon and Rafah's refugee camp after they were subjected to extensive Israeli attacks, the people demonstrated and expelled the ministries, threatening to shoot them to express their anger against the government.

⁶Read everything about the disengagement plan in the Disengagement book which was part 13 of the series: *The way to Independence*, issued by the Arab Advancement Press and the National Unity Press. First version: March 2005.

VIII

Anticipatory, Hesitant Policy Regarding the Disengagement Plan

1. When the Disengagement Plan was announced, the Palestinian government found itself in the face of a huge political project. The Israelis have already conceived a plan for Gaza Strip with total disregard to the Palestinian government. They knew that their withdrawal from Gaza will turn the Palestinian Authority upside down and put all the PA's institutions under various pressures, such as the pressure of taking over security control in the area and dealing with the land and the estates that will be evacuated without any mutual coordination. Thus bringing the PA and all its institutions under unprecedented pressures.

The Palestinian government's initial response was quiet confused, Qurie had to move quickly, and his activity was focused particularly on Cairo because he wanted to rally international pressure against Sharon to oblige him to deal with this withdrawal as a part of the Road Map Plan, not because he wanted Sharon to start implementing this plan, but to make him recognize the Palestinian government as a partner in this plan, so that it can be implemented in coordination between the two parties.

The government was further confused by the declaration of some Palestinian factions, such as Hamas, following the disclosure of Sharon's plan, that they consider themselves partners in controlling Gaza after the Israeli withdrawal, thus adding a new question to the Palestinian agenda: Do these partners consider themselves alternative powers or parallel powers? Will this partnership be made within the framework of their participation in the government or they are aspiring to another framework of control over Gaza Strip that trespasses the existing government?

These situations have stirred heated disputes, the most significant of which was the failure of the government and Hamas to provide an answer about their future plans. The government was contradicting itself as it kept reiterating that it was the only competent authority to control Gaze Strip, and that everybody had to abide by the Law and acknowledge the power of the PA, while at the same time confessing, through its Interior Minister and Justice Minister, that the security authorities are not qualified enough to take over responsibility, and that they must be rehabilitated and reequipped.

Hamas, on the other hand, was not less contradictory. It said that it wanted to participate in controlling Gaza, but at the same time it refused to participate in the government. In both cases Hamas didn't clarify what it exactly meant by "participation" and what were the administrative and political limits of such participation.

2. The strategy of anticipation and the policy of refraining from taking the necessary steps toward forming a national unity government and fighting and eradicating corruption led to many negative impingements, and collided with the stances of the US Administration and the Israeli government as expressed in the letters that they exchanged on April 14, 2004, particularly after President Bush¹ confirmed in his letter that the United States totally agreed with Israel concerning the permanent status issue.² This letter was completely biased to the Israeli 14 reservations, better say requirements, related to the Road Map.³

This was followed by President Bush's declaration that he no longer thought that 2005 was the right time for establishing a Palestinian state. This declaration, together with Bush's letter to Sharon, evoked uproar among the Palestinian factions. While all political powers condemned the US stance and some of them called for the implementation of the March 30, 2004 National Unity Document,⁴ the government was still hesitant and confused.

The Palestinian government was surprised by the flagrantly biased stance of the United States toward Israel, and this was reflected on its actions which clearly indicated the deep water it was in. Qurei kept anticipating a clarification from the United States concerning its new stance as Washington promised to send him a letter. The government tried to live on the US declaration and launched a welcoming campaign in reception of the awaited US message.

3. The following events, however, proved how politically misguided this government was. This was proved by two major events that redirected the next political stage with all its implications and developments, not only in connection to the US stance, but also the stance of the Quartet Committee which had much influence on the overall global stance.

–The first event was Qurei's receipt of Bush's letter on May 11, 2004,⁵ which was handed over to him by Condoleezza Rice herself. In terms of style, The United States was apparently keen not to let such letter receive much attention as Rice's meeting with Qurei was away from journalists and was not followed by a press conference. And in terms of content, Bush's letter reaffirmed the American two-state vision, but it this time eroding the sovereignty of the Palestinian State from an "independent, sovereign, and viable state" as expressed in the Road Map, to a "free, independent, and peaceful state". The letter reiterated the most important guarantees that Bush has previously granted upon Sharon, including the non-return to the pre June 4, 1967 borders and the cancellation of the refugees' right to return, but this time Bush put it in a twisted style: "this (permanent status) negotiations should reflect certain facts related to the lives of the Palestinians and the Israelis and to the establishment of the Palestinian State and the security of Israel as a Jewish state.

The letter implied the vision of the United States and set the broad lines of a work plan for Abu Alaa's government; the development of a new Palestinian leadership, the rehabilitation of the security authorities to enable them to annihilate the Palestinian "terrorism", and the status of the "Palestinian State". The US letter further fettered the Palestinians and condemned them for not responding to the US peace call and for hampering negotiations and obstructing the implementation of the Road Map, etc.

–The second event was the statement of the Quartet Committee on May 4, 2004⁶ which was very close in timing to Bush’s letter to Qurie. The statement put the blame on the Palestinians for hindering negotiations and for, as the statement puts it, not abiding by the Road Map Plan, particularly in relation to the development of a new Palestinian leadership, the restructuring of the security authorities, the appointment of a “fully competent” Minister of Security (a clear indication to Al-Hakam Balaawy), and fighting Palestinian “terrorism”. This way the Quartet Committee put the ball in the Palestinian court, and this was the first time for the Committee to adopt a situation that was quiet similar to the American situation.

Notes:

¹See the book titled: *The Disengagement Plan*, pp. 36-38 (this source has been mentioned earlier).

²To include Jerusalem and the major settlements, to consider withdrawal to the pre June 37 borders as unrealistic policy, and the omission of the refugees’ right to return. See the book titled: *The Disengagement Plan*, pp. 13-16 (this source has been mentioned earlier).

³Resuming the construction of the Separation Wall (because it is security-related rather than political), allowing the construction of settlements, considering a new Palestinian leadership that is capable of fighting terrorism as a prerequisite for the implementation of the Road Map. See the book titled: *The Disengagement Plan*, pp. 13-16 (this source has been mentioned earlier).

⁴Read the text of the document. See the book titled: *The Disengagement Plan*, pp. 251-255 (this source has been mentioned earlier).

⁵Read the text of the document. See the book titled: *The Disengagement Plan*, pp. 70-72 (this source has been mentioned earlier).

⁶Read the complete text of the statement. See the book titled: *The Disengagement Plan*, pp. 76 (this source has been mentioned earlier).

IX

Maximized Chaos Due to Patchy Performance

Amid such highly-charged global atmosphere, the Palestinian scene witnessed a series of political developments that clearly indicated how acute the Palestinian crisis was, and showed that the situation was heading toward more aggravation.

–The Israelis escalated their assaults on Gaza and the West Bank, killed many Palestinian leaders from the Intifada and the resistance, bulldozed houses

and agricultural lands, and turned the Palestinian day to day life into a living hell. This was received by international silence and blatant support from the United States, which regarded the Israeli attacks as "legitimate self defense" and a part of the "global war on terror".

-The faltering situation of the PA was worsened with the break up of a silent war among the security authorities, particularly in Gaza Strip, which was the result of unprincipled struggles and competitions among Palestinian powers to protect their personal and tribal interests. With so many security powers in place, the Palestinian territories descended into chaos, and this encouraged the rise of district-level "local security" projects. The Palestinian security authorities kept deteriorating, and lost its rule as a legal power, and turned into one of the competing powers in the towns and camps of Gaza Strip, to the extent that the Interior Minister, Al-Hakam Balaawy declared on June 28, 2004 that the security authorities have turned into "militant tribes" and sent 130 police officers on the 4th and 5th of the same month to President Arafat with a memorandum requesting the reform of the security authorities which have turned into "personal kingdoms for some officials".

-Administrative and financial corruption kept spiraling within the PA, reaching its prime with the notorious Egyptian cement deal that was imported to build the Separation Wall in the West Bank, but was screwed up with pressures from Egyptian anti-normalization committees. It later turned out that Palestinian companies in this deal, and this was confirmed by Maher Al-Masry, Palestinian Minister of Economy. Responding to the public pressure, the Legislative Council formed a parliamentary investigation committee, which found out that senior Palestinian officials were involved in the cement deal. This scandal proved not only that the government was too weak to achieve the aims of the financial and administrative reform program or fight corruption, but that members of this very government were personally and directly involved in corruption. How can corrupt officials fight corruption?

2. Within this context, and with the shaky political situation in Palestine, the UN Middle East envoy, Terry Rod Larson, dealt another blow to the PA when he submitted his periodic report to the UN Security Council (in the first week of July 2004), where he blamed President Arafat for obstruction the reform of the PA, and predicted the demise of the PA within few weeks. Larson's report seemed to be a continuation to the previously mentioned Quartet Committee statement.

While the PA and the government were busy refuting and condemning Larson's report, the security conditions in Gaza Strip went out of control, when Police Director, General Ghazy Al-Gebaly was kidnapped on July 16, 2004 by Protective Security operatives. He was released later after President Arafat promised to bring him to trial. Other militants from Fatah Movement had also kidnapped some French employees who worked for an international humanitarian society in Gaza and released them later. On its part, Al-Aqsa Martyrs Brigades issued a statement inviting President Arafat to take the procedures necessary for the eradication of corruption from all government authorities¹.

On July, 2004, the National Security Council announced the state of emergency in Gaza Strip, and the government resigned, but Arafat refused its resignation. Quire described the situation as an "unprecedented disaster". Other resignations were submitted by Rouhy Fattouh, President of the Legislative Council, Rashid Abu Shebbak, Head of the Protective Security Authority, and President of

the Palestinian Intelligence, Amin Al-Heneidy. Arafat, however, refused all these resignations.

Within this chaotic atmosphere, Arafat issued some decrees that merged all the security authorities into three bodies, fired General Ghazy Al-Gebaly, and appointed new security leaders, among who was General Moussa Arafat as Director of Public Security Authority and Head of National Security Apparatus. The appointment of Moussa was widely provocative for his known corruption and anti-resistance stances and for his role in defusing many resistant operations. Protests increased, armed marches were organized, inflammatory statements were released, and militants occupied and burned some PA premises. On July 18, UN Secretary General Kofi Annan commented on the situation in Gaza saying: "Larson was reporting facts, and I believe that the current events prove he was right."

During all these events the Palestinian government was incessantly absent. It was not only politically idle, but was also paralyzed and didn't pay any effective role to manage the PA's affairs or to handle the situation. Qurie reckoned that the only way out was to insist on resigning on July 30, but Arafat, again, refused to accept it.

The repercussions within Fatah group were reflected on the PA and the government. On July 20, former Minister Nabil Amr was shot, and had his leg amputated. On August 1, Mohamed Dahlan threatened President Arafat that mass demonstrations will break out if he didn't start reform operations within ten days. At the same time, armed demonstrations went out in the towns and camps of Jenin in Support of Arafat. A war of statements and counter-statements sparked off, and the Palestinian scene was dominated with heavy clouds that boded ill for the Palestinian future.²

3. The Legislative Council tried to interfere and save the situation, and decided that Abu Alaa's government, in its capacity as an executive authority responsible before the Council, has failed to carry out its duties, and has given up its competence to the PA. The Legislative Council has therefore decided either to dismiss the government or immediately accept its resignation in order to form a new government that is capable of bearing the responsibility of implementing the reform programs and solve the problems of the Palestinian people.

However, the Council's decision went with the wind. Talks behind the backdrop led to an agreement between Arafat and his government on the redistribution of security competences. It turned out later that this agreement confined the jurisdiction of the Interior Minister to the supervision of the Police Authority, while the National Security Authority and General Intelligence will be affiliated to the PA President who is at the same time the Head of the National Security Council.

Meanwhile, people began to talk about the necessity of a ministerial reshuffle, with some even calling for the formation of a new government. These calls supported the resignation of Nabil Qassis, Minister of Planning, who was replaced by the President of Beer Zeit University. Minister of Justice, Nahid Al-Rayes, also resigned in protest of the restructuring of the Judiciary. This way the position of the Minister of Justice was stripped of its competences which were affiliated to the Supreme Judicial Council, an authority reporting to the PA's President. Meanwhile, the Minister of Justice remained responsible to the Legislative Council for the work of the Judiciary.

The talk about reshuffle remained widely active, particularly after the government has proved a failure, and its crisis turned into an integrated part of the stalemate that the PA was living. However, the announcement of Arafat's ailment, his being taken to Paris for medication, and his ultimate decease on November 11, 2004 turned over this page of the Palestinian history and opened a new page of enormous responsibility that Palestinians had to face following the political vacuum that Arafat has left.

4. Despite the unswerving deterioration that totally detached the government from the real world, and notwithstanding its badly damaged relationship with the Legislative Council, the Palestinian cause brought off overwhelming victories on the international scene during the month of July 2004 within the framework of the anti-Separation Wall campaign. This victory was supported by both the International Law and the International Humanitarian Law (International Court of Justice) on one hand, and international legitimacy (the UN's General Assembly) on the other.

Within the framework of the International Law, The International Court of Justice (ICJ) rendered an advisory opinion concerning the Israeli Wall, which clearly and sharply confirmed that Israel was in violation of the International Law, the International Humanitarian Law, and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Court's opinion ordered the of halting the construction of the wall, cancellation of all plans and laws related thereto, removal of all the parts of the wall that have been constructed within the Palestinian territories, including Jerusalem and the adjacent areas, and compensating the Palestinians for the damages they have been inflicted with because of the construction of the wall.³

The resolution that was issued by the United Nation's General Assembly on July 20, 2004 acknowledged the ICJ's advisory opinion, and decided "to reconvene to assess the implementation of the present resolution, with the aim of ending the illegal situation resulting from the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem." This resolution was objected to by 5 countries only, and with agreed to by 150 countries, including the EU's 25 countries who participated in drafting the resolution.

Nevertheless, the Palestinian government and the PA failed to invest in this hard-fought accomplishment of the national Palestinian cause. It rather stood still without adding anything the General Assembly's resolution. The government could have moved fast to maintain the momentum generated by the resolution and forge its way ahead toward imposing sanctions and isolation on Israel and obliging it to comply to international legitimacy through the UN's Security Council. In case Washington resorted to the veto, the PA could call the United Nation's General Assembly to convene within its extraordinary 10th Session under the theme: "United for Peace", thus adding an executive effect to any resolution the Assembly may issue in this respect.⁴

This motionless attitude of both the government and the PA's President, and their deliberate refrainment from pursuing any activity that would positively influence the Palestinian national cause, obviously reflected the PA's submission to foreign pressures and its engrossment in the national crises caused by the Israeli aggression.

This hesitant, fearful attitude doesn't only reflect the bitter reality of the Palestinian Authority, but also incarnates another truth that implies more political

significance within the PA and its powerful bodies. This truth exposed the PA's weakness and inability to take any significant political initiatives more than its stagnant negotiations framework. The initiatives that the PA dared to take were always merely tactical; they never suggested alternative routes to move the frozen political life. The PA was unable to find a balanced solution that conforms to international legitimacy the International Law, a solution different from Israel's vision of a non-negotiated compromise dictated through its unilateral Disengagement Plan.

Notes:

¹Read the complete text of the statement in *Al-Horriya*, Issue No. 995 (2069), July 18-24, 2004.

²See the daily events of June, July, and August, 2004 of the book titled: *Intifada for Independence... Year 5*, prepared by the Palestinian Center for Documentation and Information, issued by the Arab Progress Press and the National Modern Press. Version 1, August 2005.

³See: *The Disengagement Plan*, pp. 199-201, for the main provisions and conclusions included in the Court's Advisory Opinion.

⁴See: *The Disengagement Plan*, pp. 258-263 for the full text of the Palestinian plan of action to activate the resolution taken by the ICJ on July 11, 2004.

X

President Abu Mazen's First Government... Basic Observations

Abu Alaa has formed three governments since he quit his previous position as the President of the Legislative Council and presided over the executive authority. Before we start viewing the circumstances that accompanied the formation of Abu Alaa's third government, his first after Mahmoud Abbas was elected President of the PA, and before we evaluate the experience of this new cabinet, we have to make some basic observations.

1. This government was the first in the post-Arafat era. However, given the absence of Arafat's power-balancing role, we have to bear in mind that the rules that are now governing the players of the political game have changed. No one can deny that Mahmoud Abbas could in no way fill the space that Arafat has left, and this is not an underestimation of his standing as the PA President, or belittling of his political experience and or his skills as a leader, but Arafat's lengthy occupation of

the PA Presidency placed him in a so unique political position on the Palestinian, Arab, and international levels that Abu Mazen can't claim he can fill.

It is true that Abbas has played significant political roles together with Arafat during his negotiations with Israel, and participated in signing the Declaration of Principles and its annexes and in structuring the PA's institutions and running Palestinian day to day affairs, but it is also true that Arafat had the final word and enjoyed far reaching powers and unlimited competences. Moreover, Arafat was an influential figure within both Fatah group and the PA, and advantage the Abbas lacked because of the nature of the PA and the roles played by each of its members.

In short, the fact that Abbas occupied the position of the chairman of both PLO's Executive Committee and the PA doesn't mean the he managed to get any closer to the historical standing Arafat was enjoying, and this was a basic factor in changing the rules of the political game, particularly the relationship between the PA President and the Prime Minister.

2. When Abbas entrusted Abu Alaa with the formation of the new government —or the reshuffling of the existing one— he was influenced by his bitter experience with the late Arafat when he presided over the government for the first time after it was separated from the PA. Abbas expected Abu Alaa to be committed, in principle, to the red lines that Arafat has previously drawn for him which he couldn't trespass either during the formation or the running of the government.

Abbas's assumption, however, was quiet distant from reality. Abbas the President turned out to be different from Abbas the Prime Minister, so it was expected that competence-related disputes will arise during and after the formation of the government. People are sometimes governed by their positions, especially in cases like that of the Palestinian Authority, where the competences of the President and the Prime Minister are quiet mixed and the power of the government is shared between the PA President and the Legislative Council. The PA's Basic Law is not yet a compelling constitutional power that is respected by the people and supervised by institutions that can question any violations the government commits.

This is basically attributable to the nature of the Basic Law which grants massive powers to the President, mostly exceeding the powers of authority. The fact that Palestinian politics is governed by one single party damages inter-party relations, and both the Basic Law and the Formal Principles were disregarded in order to settle Fatah's internal disputes.

Therefore we can say that these disputes are caused by the nature of the Palestinian Authority, and are worsened by the single-party policy, rather than influenced by the whims of political figures. Of course each official has his own personality and role that add character to the political life, but the rising disputes are a reflection of a crisis-hit political system that requires democratic reform in order to become a parliamentary-democratic system as set forth in the Declaration of Independence in 1988.

3. Abu Mazen and Abu Alaa viewed the post-Arafat problems from different perspectives. Abu Mazen wanted to persuade his men that he took over responsibility for a "ruined country that must be rebuilt from scratcs".¹ Meanwhile, Abu Alaa was proposing an interim short-term government that should end with the

elections of the Legislative Council as scheduled on July 17, 2005, i.e., 5 months maximum.²

The varying perspectives of the two men have influenced the way they estimated contemporary issues. While Abbas was persuading his men that his mission was to free himself from the late Arafat's heritage and establish a new foundation that suits his vision of the PA and its mechanisms and policies. At the same time Qurie was pursuing the formation of an interim government that would focus on how much work is done rather than on the establishment of political, administrative, and economical institutions that would participate with the PA's President in rebuilding Palestine and redirecting the Palestinian Authority.

To solve this vision-duality problem, Abbas resorted to a tactic that he had previously criticized Arafat for employing (Arafat's intervention in the cabinet's affairs); he appealed to the FCC seeking its opinion. And despite the Committee had taken Arafat's side against Abu Mazen in the past, this time it sided with Abu Mazen, though less vigorously, against Qurie.

4. The role of the Prime Minister was overwhelmed by the role of the President, and this was due to the final internal structuring of the PA and its governing party, and the wide global and regional support that Abu Mazen was enjoying. All these factors, particularly after Sharm El-Sheikh Summit on February 8, 2005, played an important role in providing the right atmosphere for Palestinian unity during the Third Cairo Unity Conference on March 2005 under the theme: "the atmosphere of calm" in anticipation of the implementation of the Disengagement Plan in the fall of 2005. Here we notice that the joint "atmosphere of calm" declaration made by the Palestinians on March 18, 2005 was different from other individual declarations related to cease fire that were made on June 28, 2003 in terms of political circumstances. This "atmosphere of calm" was part of the preparations for the Disengagement Plan that was pending implementation (and this doesn't mean that "the atmosphere of calm" was against Palestinian national interests), but the June 28 declarations were more or less a response (in the formula agreed upon by the Palestinians) to one of the Road Map's implementation requirements which became unrealistic after Washington knowingly made it conditional on the Israeli well-known demands. They were also different in terms of the dominant national circumstances that further disunited the Palestinian Authority and increased competition among its leaders to pounce on the ruling positions and enjoy their associated benefits. All this was accompanied by maximized Israeli terrorism, as the occupation army resumed its "burnt land" policy, razing complete districts to the ground, particularly in Gaza strip, the subject matter of the Disengagement Plan.

All these factors obliged Fatah's delegation to Cairo Conference to offer "concessions" that later had important repercussions on the reformation of the Palestinian political system. Some of these repercussions came real, such as the passing of the modified Municipal Elections Law and the Legislative Elections Law, making full proportional representation a requirement for the former and semi proportional representation for the latter. This opened the door wide to political plurality in the next Legislative Council and positively reflected on its role and contributed to balancing the inter-relations within the Palestinian three-authority system. It also reflected positively on the other topics included in the Palestinian

national development agenda, the most important of which was turning the PLO into a national umbrella that covers all Palestinians political and social orientations.

Notes:

¹As said by Abbas in his meeting with leaders of Palestinian factions during Arafat's funeral in Cairo shortly before he had been flown to Ramalla.

²*Al-Horriya*, Issue No. 1021 (2095) on January 16-22, 2005.

XI

Birth of a New Government

1. After being elected President of the Palestinian National Authority, Mahmoud Abbas Abu Mazen held talks with Premiere Ahmed Qurie where he declared that the current government will stay intact, but with a reshuffle that will include six new ministers,¹ among who are Mohamed Dahlan; Dr. Nasser Al-Qudwa, PLO's UN representative, as a Foreign Minister; Dr. Nabil Shaath as Vice Prime Minister, Gen. Nasr Yussif as an Interior Minister in place of Al-Hakam Balaawy; Nabil Amro, Abu Mazen's previous Minister of Information who will keep his portfolio, and Mohamed Al-Natsha, who managed Abu Mazen's election campaign , as a Minister of Economy in place of Maher Al-Masry.

With the proposed reshuffle, which included important portfolios, the cabinet was expected to change considerably in favor of Abu Mazen's men. Abu Mazen, however, failed to persuade Qurie of this reshuffle.² Nevertheless, with the initial reshuffle talks within Fatah Group reaching a deadlock, the cabinet announced its resignation and Abu Alaa was entrusted with the task of forming a new government. Abu Mazen wanted the new government to include 18 portfolios, but the new premiere preferred to expand it in order to meet Fatah's demands. In February 21, 2005, Abu Alaa proposed a new expanded cabinet that included four extra members from Fatah's Central Committee: Nabil Shaath, Saeb Urayqat, Hakam Balaawy, and Abbas Zaki.

Qurie realized that his entire task was nothing but a serious predicament. He proposed several cabinet formations to the Legislative Council³ in hope that one of them would be granted confidence, yet he had to withdraw all his proposals; Qurie was afraid that a motion of confidence against any of these formations would, according to the PLO's Statues, get him out of the government and bring a new premiere to form another cabinet. In the middle of this hassle between the National Authority and the Cabinet, Qurie realized that the Authority's obstinacy is due to the pressure practiced by Qurie's men on the Legislative Council to vote against his proposed cabinet formations. He found, amid this tense atmosphere, that his only

way out of such a tangle was to excuse himself from the entire task, so that his failure to form the cabinet would be blamed on Abu Mazen.

2. The Legislative Council refused Qurie's proposed formation of the government because it included "symbols of corruption and ministero-holics".⁴ As the way got blocked in his face, Qurie told the Council that he will form a new cabinet that excludes most of the old MPs and ministers, and will mostly include what he called "people of specialty and proficiency". Abu Alaa said that his proposed government is an interim one, and that its main task was to follow up the municipal elections and supervise the parliamentary elections that were expected to begin on July 17, 2005, then the cabinet will quit, clearing the way for another government to take over.

Though the Legislative Council accepted this specialized government⁵ (later called the technocratic government) in principle, it faced huge obstacles when it was introduced to the Parliamentary Council in the confidence-granting session that almost got it out of the game. Hence, Rouhy Fattouh, President of the Legislative Council, agreed with Qurie to adjourn the session and defer it till the following day. This provided Fatah leaders with enough time to pressure their parliamentary bloc into accepting the new cabinet formation in February 24, 2005 session, and so they did.

The new government (also called the technocratic government) included 24 ministers, of whom four were members of the previous cabinet and took the same portfolios, 2 from the previous cabinet who took different portfolios, in addition to 18 new ministers. The percentage of new ministers hit 75%, the highest among all the successive Palestinian governments.

With this high percentage of new ministers, and with most of them following the new technocratic style, and given the merge of the labor and the social affairs ministries, and with the Minister of Waqf and Religious Affairs residing outside Jerusalem, we notice that two significant changes have been made:

a) The Ministry of Interior Affairs was turned into the Ministry of Interior Affairs and National Security, and National Security Forces became affiliated to the Minister of Interior through the Ministry of Interior Affairs. This important amendment was part of the initiative to restructure the National Security Council, which supervises all Palestinian security authorities and reports to the Prime Minister and not the PA's President, thus complying with the Road Map requirement, and with the one of the most pressing US demands.

b) The Ministry of Negotiations Affairs (which was part of the government) was replaced by the Negotiation Affairs Department presided over by Saeb Urayqat who reports to the head of the Executive Committee (initially the Executive Committee itself). An official from the Department attended the Executive Committee's meetings as an observer, and the Negotiations Committee, presided over by Mahmoud Abbas in his capacity as the head of the Executive Committee, was considered the basic authority to which all negotiations affairs are referred.⁶

3. The new government didn't fully abide by the PA's Basic Law. The legal deadline during which the acting Prime Minister should form his new government is five weeks (after extension), Hence, Qurie was expected to introduce his new cabinet formation to the Legislative Council on February 21, 2005 maximum, but since the Council refused his proposed formation he had to offer other alternatives, the last

of which was on February 24, 2005, i.e. he was three days behind the deadline that was described in Article 66 of the PA's Basic Law.⁷

Another violation committed by both the Prime Minister and the Legislative Council was withdrawing the proposed cabinet formation after being discussed and submitting a new one on the next day. Article 67 of the PA's Basic Law⁸ says that "Vote of confidence shall take place after listening and discussing the written ministerial statement", which means that ministerial statement and voting shouldn't be separated.

The developments and the violations that accompanied the first government formed during the Presidency of Mahmoud Abbas raise two important points:

a) The absence of President Arafat didn't prevent the occurrence of disputes between the President and the Prime Minister, on the contrary, this disputes increased after the interim President Rouhy Fattouh (who took over after the death of Arafat on November 11, 2004 until the election of Abbas on January 9, 2005) has issued a series of decrees that increased the Prime Minister's competence over the security authorities (as he became responsible for the National Security Council as mentioned earlier) and the Financial authorities.

b) The Legislative Council became an influential party in the disputes that accompanied the formation of the government, not only in its capacity as a legislative body responsible for supervising and questioning the government, which is quiet necessary, but also because a large number of Fatah's parliamentary bloc were seeking the position of a minister.

However, since the government stuck to the single-party system, with Fatah members mostly filling the Legislative Council, the PA was dominated by Inter-Fatah disputes and the political crisis became crudely obvious. The three sides of the Palestinian government; the President, the Prime Minister, and the Legislative Council, descended into fierce clashes and the institutional frameworks failed to provide means or mechanisms to solve the problem. Therefore, the technocratic government failed to satisfy the political demands or meet the needs of this stage of the PA's life and the Palestinian history. It has rather been formed to escape the crisis with which Fatah, and consequently the PA, is inflicted.

Notes:

¹Same source.

²*Al-Horriya*. Issue No. 1023 (2097). Date: February 6-12, 2005.

³The last cabinet formation that was proposed by Qurei but withdrawn at the last moment included the following portfolios: Vice Prime Minister (Nabil Shaath), Minister of Finance (Sallam Fayyad), Minister of Civil Affairs and Negotiations (Saeb Urayqat), Minister of Interior Affairs and Internal Security (Nasr Yussif), Minister of Foreign Affairs (Nasser Al-Qudwa), Minister of Justice (Nahed Al-Rayes), Minister of Labor (Rafiq Al-Natsha), Minister of Education (Naeem Abul Hummos), Minister of Communication and Technology (Azzam Al-Ahmed), Minister of Detainees and released POWs (Hisham Abdul-Razzeq), Minister of Agriculture (Ibrahim Abul Naga), Minister of Health (Gawad Al-Teeby), Minister of local government (Jamal Al-Shoubaki), Minister of Transport (Hekmat Zeid), Minister of Health (Gawad Al-Teeby), Minister of Planning (Ghassan Al-Khatib), Minister of Information (Nabil Amr), Minister of Cabinet Affairs (Mohamed Dahlan), Minister of Culture (Yehia Khalaf), Minister of Economy, Trade, and

Industry (Saadi Al-Kamaz), Minister of Public Works and Housing (Abdel-Rahman Hamad), Minister of State for Women Affairs (Zuhaira Kamal), Minister of Tourism and Antiquities (Gad Esshaq), and Minister of Social Affairs (Dalal Salama).

The surprising effect of the eleventh-hour cancellation of this cabinet formation was consolidated by its being announced in Qurei's Speech before the Legislative Council seeking confidence (See: *Palestinian Studies Magazine*, Issue No. 63, pp. 178-179, 2005 Spring).

⁴*Al-Hurriya*, Issue 10026 (2100), February 27-March 5, 2005.

⁵The new cabinet formation included 24 ministers, four of who were members of the previous cabinet and took the same portfolios in the new one: Sallam Fayyad as a Minister of Finance, Yehia Khalaf as a Minister of Culture, Naeem Abul Hummos as a Minister of Education, Zuhaira Kamal as a Minister of State for Women Affairs. The new government also included 2 ministers from the previous cabinet who took different portfolios: Nabil Shaath was the Minister of Foreign Affairs and became a Vice Prime Minister and a Minister of Information, and Ghassan Al-Khatib who was a Minister of Labor and became a Minister of Planning. The new 18 ministers are: Nasser Al-Qudwa, in place of Nabil Shaath, as a Minister of Foreign Affairs, Farid Al-Gallad, in place of Nahed Al-Rayes, as a Minister of Justice, Mazen Sonqort, in place of Maher Al-M asry, as a Minister of Economy, Zohni Al-Wahidy, in place of Gawad Al-Teeby, as a Minister of Health, Khaled Al-Qawasma, in place of Jamal Al-Shoubaki, as a Minister of local government, Mohamed Dahlan, in place of Gamil Al-Toreify, as a in place of Civil Affairs, Walid Abd Rabbou, in place of Rouhy Fattouh, as a Minister of of Agriculture, Ziad Al-Bandak, in place of Metri Abu Attey, as a Minister of Tourism and Antiquities, Mohamed Ashteeh, in place of Abdel-Rahman Hamad, as a Minister of Public Works and Housing, Sabry Seidam, in place of Azzam Al-Ahmed, as a Minister of Communication, Sakhr Bassisso, in place of Salah El-Taamary, as a Minister of your Youth and Sports, Sufyan Abu Zyada, in place of Hisham Abdul-Razzeq, as a Minister of Detainees Affairs, Nasr Yussif, in place of Al-Hakam Balaawy, as a Minister of Interior Affairs, Ghassan Al-Khateeb, in place of Nabil Qessis, as a Minister of Planning, Hassan Abu Lebda, in place of Ghassan Al-Khateeb and Entessar Al-Wazeer, as a Minister of Labor and Social Affairs, Saad Eddin Khorma, in place of Hekmat Zeid, as a Minister of Transportation, Hend Khoury and Ahmed Megdalany, in place of Qaddoura Fares and Suliman Abu Seneina, as state ministers, Sheikh Yussif Gomaa Salama, in place of the minister residing in Jerusalem, as a Minister of Waqf and Religious Affairs, and Othman Halila, in place of Hassan Abu Lebda, as a Secretary General of the Cabinet.

⁶On March 5, 2005, a presidential decree on the Negotiations Committee was issued in ten articles that included: "The Negotiations Committee shall be the Authority responsible for all Permanent Status negotiations with Israelis and other third parties... 3) The Committee shall be responsible for all negotiations with the Israelis, whether such negotiations are related to politics, security, or economy. Such negotiations shall determine the strategies and policies related to all issues. 5) ... The Committee shall be responsible for making all contacts between Palestine and third parties in relation to issues related to negotiations with the Israelis. This includes issues related to politics, security, or finance. The Committee shall also determine to be played by such third parties and control implementation of agreements..."

7 Cabinet Formation: Article 66 (1) Once entrusted by the President of the Palestinian National Authority, the Prime Minister shall form his government within three weeks from the date of entrustment. He shall have the right to have an extension of a maximum of two weeks only.

(2) If the Prime Minister fails to form his government within the said deadline, or did not obtain the confidence of the Legislative Council, then the President of the National Authority shall replace him within two weeks form the date of failure, or from the date of the confidence session. Provisions contained in the above clause (1) shall apply on the new Prime Minister. See Before Departure... *Palestinian Politics and Regime*, pp. 225-226 (this source has been mentioned earlier).

⁸1. Once the Prime Minister selects the members of his government, he shall submit a request to the Legislative Council to hold a special session for vote of confidence. Vote of confidence shall take place after listening and discussing the written ministerial statement, which specifies the program and the policies of the government. However, the session shall be held no later than one week from the date of submission of such request.

2. The vote of confidence shall be collectively for the Prime Minister and members of his government, unless the Legislative Council decides otherwise by absolute majority. 3. Confidence shall be granted to the government, if it obtains the absolute majority of the PLC Members.

XII

The Technocratic Government and the Non-Fulfilled Promises

1. The formation of the new Palestinian government was preceded by a quartet regional conference in Sharm El-Sheikh on February 2, where Palestinians stuck to their "atmosphere of calm" principle. Three weeks later, the London Meeting Supporting the Palestinian Authority was held on March 1 with the participation of 25 countries along with the UN, the EEUU, the League of Arab States, The World Bank and IMF. The meeting ended with all participants agreeing to offer help to the Palestinian Authority during the year 2005, provided that the PA will abide by a multi-side reform agenda. This was followed two weeks later by the Palestinian National Dialogue Conference in Cairo on March 13, with the participation of thirteen Palestinian factions. The conference adopted "the atmosphere of calm" principle, amended both the Municipal Elections Law and the Parliamentary Elections Law, and decided to form a Supreme National Committee to study mechanisms to rejuvenate and expand the PLO by including the Islamo-political current among its ranks.

The significance of the three events that took place within a period of 40 days was unquestionable. It laid down the bases for dealing with the issues that arose during the year 2005, including the Disengagement Plan, internal reform, the elections and its expected results on the political system. But what was strikingly strange was the absence of Qurie's government who didn't participate in any of the three events.

If we attribute Abu Alaa's absence from Sharm El-Sheikh Summit to the fact the he was still an acting Prime Minister at that time, and his absence from the Cairo Conference to the fact that the PA was not represented in that conference (Mahmoud Abbas attended the conference in his capacity as the Head of the Executive Committee), which obviously contradicts with the conference's focusing on matters related to the PA's institutions such as the Parliamentary Elections law, we will find no excuse for his absence from the London meeting. Abu Alaa's justifications were so unconvincing given the fact that the meeting discussed issues that are part and parcel of the government's mission, such as reform, sources of income, etc. The political issues which were alleged to be the responsibility of President Abu Mazen were not practically discussed in the meeting because of the absence of Israel whose government evades any international pressures that are related to the settlement file or that may come to the detriment of its policy of unilateral decisions.

Abu Alaa's absence from London meeting was a clear indication of his disagreement with the PA's Chairman, and a sort of protest against the way the Palestinian delegation to this meeting was formed, with Abu Mazen being its head and the Ministers of Finance and Foreign Affairs as members, while excluding other ministers (such as the Minister of Economy, the Minister of Planning, etc.).

Moreover, Qurie viewed the agenda of the meeting as a further intervention in the National Palestinian Affairs.

2. Now if we recall Abu Alaa's speech before the Legislative Council where he was seeking, and was granted, confidence, we will find that he has set four important targets for his government; security, stimulation of the Judiciary, preparation for the Parliamentary elections, and completion of the municipal elections, we will find that nothing of these has been achieved during his 10-month long term in office (he was granted confidence on February 24 and resigned on December 15¹ when the President declared that the next government will be interim until the parliamentary elections begin on January 25, 2006).

Despite the so many difficulties it has faced, the Palestinian government managed to achieve reasonable results by the end of the elections that were considered the biggest achievement of the first government during the presidency of Abu Mazen. This facilitated the passing of the Municipal Elections Law on August 18² and the Parliamentary Elections Law on August 13³ using the same formulation that had been agreed upon during the National Dialogue Conference in Cairo.

The government supervised the second phase of the municipal elections⁴ which started on May 5, 2005 according to the 2004 Elections Law, supervised the third phase (September 29) and the fourth phase (December 15) according to the new Elections Law whose most important part was achievement was approving the full proportional representation rule and increasing women membership to 20%. The fifth phase of the elections was made in the first half of the year 2006 for many reasons, such as giving more time to Fatah movement to get prepared for better performance. Meanwhile, the government changed the starting date of the parliamentary elections from July 17, 2005 to January 25, 2006 and said the reason for changing the date was because the new elections law couldn't be finished by that date. All these events and developments were marked by acute disputes, severally reaching the level of confrontation, and occasionally involving an overlapping of organizational roles.

There has been a dispute within the PA and among the ranks of the ruling party between those who adhere to the existing laws (or can only accept very limited changes that don't threaten their positions and benefits), and those who are open and apt to change because they are persuaded and/or aware of the overall changing atmosphere, the balancing national powers, and the need of the regime itself for rejuvenation. Meanwhile, there were confrontations between democratic powers and backward blocs within the Authority and the ruling party.

Hamas didn't put this disagreement over accepting the proportional rule in the two electoral laws among its priorities. What it cared about was that the PA will abide by the elections declared dates, this is why Hamas strongly reacted to the postponement of the elections phase that was scheduled on July 17. Hamas also objected to approving the full proportional representation in parliamentary elections in place of the half proportional representation (as suggested by Abbas) because this will result in decreasing the number of seats occupied by Hamas.

3. This was about the government's achievements in elections. The other commitments that the Prime Minister has made in his confidence speech before the Legislative Council weren't different from the commitments that the PA has made in the London meeting in terms of.

a) Concerning the Judiciary, State Security Courts were formally cancelled after they have been slammed for violating the rights of citizens. A modified judicial law was approved, and clear instructions were issued concerning the selection, appointment, promotion, and secondment of judges and general prosecutors.

b) Concerning the enhancement of public sector and civil service bodies, a new modified law on civil service was passed, and many efforts were spent on passing a law on retirement.

c) Concerning security authorities, large efforts were exerted to enhance and unify them into three main bodies; Security (police, protective security, and civil defense), National Security Forces (military forces and border guards), and General Intelligence. Efforts were also made to apply strict financial control on all three bodies, particularly in matters related to salaries and procurements.

d) In terms of corruption fighting, the government has vowed in more than one event to apply counter corruption procedures and impose strict control on the salaries of civil authorities' employees within the balance sheet of the year 2005. The government has also promised to implement a unified retirement law, audit public spending, and review local government revenues.

The government was a failure in the two last points. In security, the big problem that required an effective solution wasn't related to organizational or administrative aspects, but rather to the political atmosphere which was worsened by the Israeli aggression and the procedures applied by the occupation forces which led to the disintegration of civilian and security authorities' infrastructure. Politics and regulations didn't pay attention to the fact that disintegration of security forces and militias was a result of a power conflict within the ruling circles (the party and the official institutions). The central current was too weak to unite all these opposing tendencies into one consistent working bloc. This was dangerously worsened by the absence of national unity organizational framework and the disputes that dominated the relations between different powers.

Economy and Finance were characterized by corruption which couldn't be solved by merely passing laws and voicing good intention. The government itself had to abide by the Law, and this was flagrantly obvious when the balance sheet of the year 2005 was approved, as the government violated Article 61(1)⁵ of the Basic Law which reads: "The government shall present the budget proposal to the Legislative Council at least two months before the beginning of the fiscal year." The Legislative Council finished discussing the balance sheet on March 31, 2005, i.e. with the start of the new fiscal year, not two months earlier. The balance sheet was approved by relative majority (38 yes, 10 no, 2 abstention), although Article 69 of the Statutes of the Legislative Council says that draft laws may be approved only by absolute majority, unless otherwise prescribed.

Notes:

¹After canceling his nomination in Fatah's electoral list on December 25, 2005, Abu Alaa resumed his office as a Prime Minister, but this has nothing to do with the temporary nature of the interim government which is only responsible for managing of the Palestinian affairs.

²Law No. 10 of 2005 on Election of Municipal Bodies Councils (August 15, 2005).

³The Elections Law No. 9 of 2005, and the Basic Law of 2005, amending some provisions of the modified Basic Law of 2003. The two laws were passed on August 13, 2005.

⁴The first phase of the municipal elections was divided into two stages, one on December 13, 2004 in the West Bank, and the other on January 27, 2005 in Gaza Strip.

⁵See *Before Departure...* pp. 244 (this source has been mentioned earlier).

XIII

Security Loopholes... The government Major Failure

1. Although security comes on top of a government's work plan, it is also the clearest indication of its failure.

First we should point out that Abu Alaa's new government received wide criticism despite the PA's attempts to introduce it as a powerful government that is capable of facing all future challenges. This means that Abu Alaa's government didn't have any evaluation period before criticism starts. Actually the conditions in Palestine didn't allow such luxury, especially with all the pressures that people suffer, particularly the deteriorating security situation.

Security was the government's biggest failure, and this failure contradicted with Abu Alaa's speech before the Legislative Council on February 24¹ in which he said: "first of all we will establish security for all citizens, and for this end we will meet all requirements and legal procedures. We believe that without the establishment of security, order and rule of law as a prerequisite we will not be able to address the problems and mistakes with which our society is rife. Hence, the government renews its commitment before you today to work as hard as possible on the establishment of security without this coming to the detriment of freedom of thinking and opinion. We will avoid any internal clashes and we reaffirm that the Palestinian blood is a red line that nobody may trespass. We will stick all the way to the principle of national unity, respect for the Law, and unanimity in making national decisions".

These eloquent promises totally contradicted with reality as the government failed to control the security chaos that turned into a permanent phenomenon in all Palestinian-controlled areas in Gaza Strip as well as the West Bank.

The Legislative Council held a meeting on April 3, 2005 where it requested the government to promptly submit its security plan, blaming it for the chaotic situation and the failure of security authorities to assume its responsibilities.

The Legislative Council highlighted the details of the chaotic security situation, confirming that homicide cases increased from 48 in 2003 to 93 in 2004, in addition to 23 cases in the first three month of 2005. The Council also focused on the involvement of security officials in illicit gain and their intervention and influence on the Judiciary.

The Legislative Council attributed this security chaos to lack of coordination among various security authorities who are busy competing with each other, sometimes reaching the level of bloody confrontations. The Council put the blame of this chaos on the Interior Minister, requiring him to submit a plan for organizing the work of security authorities and supporting the role of the judicial authority.²

2. Later events proved that the Interior Minister, who represents the government, has failed to establish security in the PA-controlled territories. Negative developments were so obvious, the most drastic of which was the assassination of General Moussa Arafat in front of his house on September 7, 2005, not far from the residence of the PA's chairman and the headquarters of the security authorities in Gaza. Although the perpetrators were known, the government failed to catch them and bring them to trial.

The security authorities have also failed to put an end to the clashes that erupted in July 2005³ between Fatah and security forces on one hand, and between Fatah and Hamas militants on the other. Without the intervention and pressure of Egyptian-Palestinian mediators (without the participation of the parties of the clashes), Gaza Strip would have descended further into security chaos, with all security authorities standing idle. Here we have to remember that the Prime Minister is the supreme security official because he presides over the National Security Council, thus bearing double responsibility about this negligence.

The government has failed to impose security or face the chaos caused by Fatah's internal disputes over who of its candidates will be selected to run for parliamentary elections. Polling centers were seized, ballot boxes of Fatah candidates were stolen during the primary elections, and the Elections Central Committee headquarter was shut down. The government failed to contain the situation, and the Judiciary failed to prosecute the perpetrators.

Late in 2005, following the Israeli withdrawal from Gaza, the phenomenon of abducting operatives of foreign humanitarian organizations in Gaza by Fatah militants and some security authorities increased. The government again stood helpless and unable to react, the security situation at the end of the cabinet's term in office was not different from the way it was like at its beginning. The government failed to address the security problem which it has set as its most important objective.

3. Here we have to recall the armed clashes between Fatah and Hamas that we mentioned earlier because these clashes were of major political significance and were an incarnation of the political crisis that was intensified by the deteriorating relations between national factions.

The national situation was worsened by these clashes which got bigger and bigger, and couldn't be overcome except with the joint Egyptian-Palestinian efforts. And this was another instance of the government's dependence on the direct intervention of regional Arab support to contain an internal problem. Seeking the help of Egyptian security in the Palestinian depth proves that the PA and the government were unable to keep the controversial problems under control, and that Palestinians are incapable of controlling their internal problems according to the nationally agreed upon accords, thus letting the situation go out of control.

The disputes and divergences that led to this exploding situation were not only between the PA and Fatah or between Fatah and Hamas. These disputes weren't bilateral at all levels, they rather had a national nature with overlapping opinions, policies, and tactics among all those fronts, sometimes inside the same front as was the case with Fatah. Divergence and convergence between the parties of any dispute are always governed by the nature of each dispute, and this was the case with the Fatah-Hamas dispute which was due to the fact that each of them used a different perspective (in a way that serves its own interests) to interpret the issues that were agreed upon during Cairo conference, especially three issues:

a) "The atmosphere of calm" principle was handled inconsistently, and the Israelis didn't stick to it, but rather resumed their attacks against Palestinian territories, including Gaza Strip, either after or before its pullout that was part of the Disengagement Plan which gives Israel security borders that are wider than the political borders (reaching the level of establishing buffer zones).

The question now is, how should the Palestinians react to the Israeli aggression? Should they stick to self-control and leave no justification for the Israelis that they can use to aggravate their aggression? Should they resort to the available military methods and launch missiles against Israeli territories and settlements in the areas occupied in 1948? Or should they come out with a unified response built on deliberations among all Palestinian factions?

b) There is also inconsistency in understanding the relationship between the elections starting date and the deadline for amending electoral laws. While Palestinians were anticipating the enactment of new laws that approve full proportional representation in municipal elections and half proportional representation in parliamentary elections to avoid the old laws that led to unilateral or bilateral political systems, both Fatah and Hamas precipitated entering the elections even it was governed by the old electoral laws.

The Palestinian Authority's decision on June 4 to postpone the parliamentary elections that was supposed to start on July 17 for half a year intensified Hamas's doubts about the PA's commitment to the scheduled elections dates because Hamas reckoned that Fatah is afraid that election results will not come in favor of the ruling party in light of the results of the second phase of the municipal elections in Gaza which witnessed intensified disputes and appeals from both sides against each other, and this resulted in the indefinite postponing of the repetition of the elections in three provinces.

c) Another inconsistency was related to the "Joint National Committee" which the Palestinian factions agreed to establish during the National Dialogue Conference in Cairo (but wasn't declared in the final communiqué) to supervise the Israeli withdrawal from Gaza under the framework of the Disengagement Plan and to address any problem that may arise because of this withdrawal particularly in Gaza (in relation to lands, properties, security status...). The purpose of establishing this committee was to share the national responsibility and participate in the decision-making process.

Fatah, however, turned this national tendency into a technical issue, and asked the Palestinian factions to nominate technicians for the membership of the specialized committees, completely disregarding the political purpose which was the basis for participation in this committee.

Hamas, on its part, was hesitant; sometimes talking about the "Administration of Gaza" project, which practically, and apart from good intentions, leads to isolating the institutions of Gaza Strip from the other institutions affiliated

to the PA, and other times talking about its bilateral sharing ambitions and its willingness to participate in the Palestinian Authority.

4. The four-axis plan of action that Abu Alaa has proposed in his speech before the Legislative Council on February 24 didn't say anything about the government's preparation to deal with the Disengagement Plan at a time when everybody knew that the Israelis were busy preparing logistic, financial, and political plans for their withdrawal from Gaza Strip and from 4 small settlements in the northern side of the West Bank.

This paradoxical situation can only be explained by presuming that the PA reckoned that a large and complicated job like the Israeli withdrawal from Gaza and four settlements in the northern side of the West Bank can be handled by setting in motion certain mechanisms specially tailored for this purpose and not through the collective efforts of all government institutions. All national tendencies were calling upon, even pressuring, the government to employ the principle of participation in handling this withdrawal file because of the national significance attached to it particularly that people were skeptical about the capability of the technocratic government to proficiently address the challenges that this withdrawal will pose.

It was quiet known that Palestinian security authorities were faltering and were unable to provide an efficient security cover. Moreover, they didn't have strategies in place to receive the lands evacuated by the Israelis this is why the PA had to resort to two parties, without the help of whom the Israeli withdrawal would have led to serious problems:

a) The first party was Egypt, who mediated between the Palestinian and the Israelis to arrive at practical procedures for the evacuation and the taking-over processes, and this included the complicated Rafah passage problem, which was Gaza's only link to the external world. The Egyptians also organized the dialogue with the influential Palestinian factions in Gaza Strip to guarantee stability and security and provide the necessary political cover for the procedures and the steps that the Palestinian government will take in order to impose its control on the buildings and the lands that the Israeli soldiers and settlers will evacuate.

b) The second party was the Palestinian political groups which provided internal political cover for the government through the Supreme Follow-up Committee, which was responsible for managing politics, media coverage, and mobilization in Gaza Strip to ensure participation with the government on both the party and the popular levels.

To clarify the role of the Palestinian political groups, it is sufficient to recall the aggravated situation that dominated Gaza on the eve of the Israeli evacuation, and the strong statements made by some parties and the legitimate concerns expressed by some faithful Palestinian groups who were fearful that in case the government fails to impose its control on Gaza the whole area will descend into chaos. Despite all these concerns, and although the government was badly in need for political cover from the Palestinian factions, it was very keen on excluding these factions from any real participation and deprived them from assuming any political responsibility by refusing to establish the Joint National Committee. By doing so the government drew a hard line between its need for political support which it was seeking and political participation which it was insistently and fiercely refusing.

5. To sum up, the first government to be formed during the presidency of Abu Mazen lacked efficiency to play its role whether in relation to politics, security, or administration. In so many critical situations the government stood still, only commenting on what was going on. This way the government proved a big failure and didn't play the role it was expected to play where such role was needed.

We can say that the technocratic government was not formed to meet the Palestinian national needs, or to handle any political challenges, but it was rather an escape goat from the stalemate that the Palestinian Authority and the ruling party were going through.

The Prime Minister's claim that his government will stay temporarily until the beginning of the parliamentary elections on July 17, 2005, the postponement of the elections until January 25, 2006 reposed the question of why this government existed in the first place, and what role it can play. The Palestinian Authority turned a deaf ear to the so many calls to dismiss this current government and form a new cabinet that efficiently responds to the needs of this political stage, it rather kept this government that was incapable of assuming the role it was required to play.

Anyway, the second parliamentary elections started, putting a long awaited end to this government, it turned over this page of the Palestinian politics and open a new page where the rules of the game has changed together with the new political equation and the standards that will govern all the parties to the Palestinian cause.

Notes:

¹Read the text of the speech in *The Palestinian Studies Journal*, pp. 178-179, Issue No. 62, spring 2005.

²*Al-Horriya*, Issue No. 1032 (2106) on April 10-16, 2005.

³This refers to the clashes that took place in Gaza City and Northern Gaza, which broke out on July 14 and went on until the dawn of July 21, claiming the lives of many people and leaving tens wounded and causing major damages in public and private properties.

XIV

On the Eve of Parliamentary Elections: National Unity Government is the Best Deal

1. Since the establishment of the Palestinian Authority, and until holding the parliamentary elections, i.e., over 12 complete years, twelve governments have been formed on the administrative level. These governments reflected the track the PA has been following and the developments it has witnessed:

a) The relationship of the successive Palestinian governments with the Israeli occupation has been, and still is, reflecting an unstable balance of power represented in the open confrontation between the National Palestinian Liberation Movement and Israel represented by its occupation army and settlements. All these governments are the product of the agreements that were signed by the PLO¹ with the Israeli government in Oslo, and are also a product of international interference² (the Road Map), not to mention the Israeli plans³ (such as the Disengagement Plan) whose impingements can always be felt. These governments are at the same time the product of the Palestinian people's confrontation with the Israeli occupation and settlements both in the Palestinian land and in the battlefield.⁴

In other words, these Palestinian governments were a reflection of a political entity that is forging its way ahead toward independence. They were the product of a multi-side struggle on both the political and the real life levels. These two overlapping levels are the result of an exchanging influence of the momentum of national struggle on one hand and the compromise frameworks (which are always approved but not implemented) on the other. These frameworks aim at moving from the indefinite transitional self-rule phase (the Oslo Accords) to the phase of a state that has temporary borders, i.e., an independent sovereign, and viable state with no known borders and without the recognition of the refugees right to return (the Road Map). They also aim at moving from the Gaza Disengagement Plan to, as rumors say, more disengagement plans in the West Bank territory.

In terms of political and social structure, the successive Palestinian governments reflected the ruling party's autocratic tendencies, which are justified inside Fatah and the PA circles by attributing this single-party atmosphere to the refusal of certain political powers to participate in a government that recognizes Oslo Accords and the Disengagement Plan. This justification is politically and practically refutable by recalling certain events that can't be disregarded even if the political memory forgot them on purpose. The Palestinian political powers always have to adopt one of the two extremes; either black or white, either to accept to Oslo Accords (or the Disengagement Plan) in order to participate in the government, or refuse it and stay away. This explains why most of the anti-Oslo powers have participated in the second phase of the parliamentary elections which is governed by a law⁵ that is, by simple legal review (i.e., irrelative of the dominant political situation), part and parcel of the Oslo Accords.

Have these political powers really changed their minds about the Oslo agreement? How come they refused it when it was occupying the scene and then accept it after it has proved, as acknowledged by its supporters, an unsuitable mechanism that can't lead to a nationally-balanced compromise, and was criticized for the catastrophic impingements it has lead to, including the doubling of the settlement activities within less than ten years?

Both politics and the struggle against occupation proved that Oslo opponents have never changed their minds about this failure political process. After the break out of the Independence Intifada many of the main Oslo supporters stood against it, not the reverse.

2. Many events could have been exploited to converge national stances and get rid of the single-party system that dominated all Palestinian Authority institutions, including the government. There were many opportunities, whether before or after the Intifada, to break this political stagnation, but they were all wasted. The most important two of these opportunities are:

a) May 4, 1999, the date which the Oslo Accords have set for ending the transitional phase and the Permanent Status negotiations. Fatah Movement could have declared on this date, through the PLO and the PA, that the State of Palestine will impose control on all the territories that were occupied in 1967. Arafat, however, hesitated and responded to foreign pressures, especially those applied by the United States.

b) In July 2000, following the failure of the Camp David negotiations, and the attempt of Washington and Tel Aviv to put the blame of this failure on Palestinians, at this time, the Israelis kept talking about the absence of a Palestinian partner, and Arafat was garnering more popular support that promoted his leadership.

With this new, decisive situation the two opportunities could have been exploited to form a national unity government, whether after Ehud Barak has closed the door in Camp David on any Permanent Status agreement, and it was necessary for the Palestinians to reconsider and redirect their strategy, or following the failure of the Oslo Accords, when the transitional agenda had not been completed by May 4, 1999, let alone the possibility to start the implementation of the permanent status plan. This raised the national demands to lay down a new strategy that frees the Palestinians from the restrictions imposed by the Oslo Accords, especially after Israel has abandoned the agenda of these accords and abandoned its commitments.

After September 28, 2000, all conditions were perfectly suitable for the restoration of national unity, especially with the break out of the Independence Intifada which, unlike Oslo Accords, depended on a wide spread political and popular struggle, particularly by the second half of 1996 and the Tunnel Intifada that broke out in September after the implementation of the Oslo Accords led to negative results, thus stirring an unprecedented organized national supposition on a far reaching scale.

This Intifada freed the Palestinian Authority from the security restrictions of Oslo Accords (ensuring security for the Israeli state, people, occupied territories and settlements), which the government had to implement by repressing national resistance and the national movement. The PA's security grip got loosened as the implementation of the accords had fewer chances on ground and national opposition was getting stronger and stronger. Therefore, the breakout of the Tunnel Intifada in September 1996 can be considered a positive turning point for the PA because it began to cut back its suppressive security procedures.

3. All these events brought the PA closer to the Intifada, and it began to focus on armed resistance as one of its priorities. The PA also had to bear the double burden of maintaining the Palestinian people's struggle in face of the Israeli destructive war machinery (the Israeli soldiers and settlers), who went completely out of control.

The Intifada also highlighted the need for unifying responses and stances regarding the national plan that must be approved by the parties participating in the Intifada, and to answer the following questions: What are the objectives of national struggle at this particular stage? What are the targets that the PA wants to reach through the Intifada after it has been disappointed by Israeli arrogance? And in this context, what is the PA's stance regarding armed resistance, and how could this stance add momentum and efficacy to the Intifada? What are the forms of

armed resistance that serves national objectives without leading to negative repercussions that should better be avoided, such as the armed operations that target civilians in the Israeli depth? What is the Intifada's stance on politics, i.e., the existing and the proposed agreements that aim at reaching a compromise? How can the Palestinian people be mobilized, internally by participating in the Intifada and externally by supporting it? What is the role that the PA and the government will play in order to support the Palestinian people in its resistance against occupation? How does the PA respond to the calls for reform, and how the PLO's institutions can be stimulated after it has been upgraded to face all these developments?

The common ground that the Intifada has brought all Palestinian factions to, despite their varying orientations, has offered suitable conditions of convergence that helped those factions give similar answers to all the previous questions and to other questions, and made it possible to lay down a joint national plan that unites the activities of all the Palestinian powers toward forming a unified national leadership and a national unity government.

It was proved later that the Intifada and its implications didn't suffice in the absence of a political leadership that understands the requirements of national interests. This led to a state of divergence among the major Palestinian powers, with each of them trying to hide its plan and make it stronger than others' plans.

Since the adoption of a joint program or the formulation of a collective plan was beyond their reach, the Palestinian factions agreed to stick to the minimum level of unity, which they defined as being militarily united and holding noncompulsory discussions and coordination regarding the existing issues.

Palestinians have resorted to this sort of unity (which was limited to military issues but involved disagreements on other problems) rather than forming a real coalition that involves full agreement on a joint strategy. This kind of unity was the product of a logical exchange between two parties each of whom was trying to consolidate the other's military objectives into his own plans. The Palestinian Authority and its ruling party on the one hand were begging the Intifada to go back to the deserted negotiations track in order to strengthen, as much as possible, the conditions that the Palestinian side can make. On the other hand, Hamas viewed the Intifada as a discontinuation of the old track and a start of a new one whose only problem was uncertainty of directions. This political orientation was outdated and was sticking to hazy plans rather than specified political approaches, so practically it could only address general, even multifaced issues, none of which was related to the topics under discussion. It totally avoided to approach any points of convergence in the liberationist national struggle that could guide it to the right aim.

Although the track of Madrid talks haven't stopped since 1997 (it started in Nables in February 1997 and was repeated in Gaza in August of the same year, then it moved to Cairo where it was held three times: January 2003, December 2003, and March 2005). Although some of these conferences were almost successful, like the one that was held in Gaza in August 2003 where a joint plan was agreed upon between national and Islamist groups where Hamas withdrew at last moment, and the one held in Ramalla on March 30, 2004 where all PLO factions agreed, in the presence of President Arafat, on a joint national plan, but it didn't lead to any practical results. Therefore we can say that despite the efforts spent on these talks for more than nine years, no fruits have been reaped before the last conference that was held in Cairo in March 2005, where all factions agreed on three main principles: "the atmosphere of calm", the amendment of municipal and

parliamentary elections laws, and the formation of a Supreme National Committee that would be responsible for resuming the negotiations in order to stimulate the role of the PLO institutions and prepare them to be able to absorb all Palestinian factions.

Despite the significant achievements of the Cairo Third National Dialogue Conference, three obstacles remained in place:

a) Fatah didn't change its mind about its exclusive control over the Palestinian Authority and the decision making process.

b) Fatah called for a sort of national participation that involves a bipolar unity with Hamas while avoiding to approach the Joint Program Principle that should be the basis of real national unity.

c) The open call for a national unity government based on the Joint Program Principle which was adhered to by several democratic and leftist groups. This standstill was mainly due to anticipating the results of the second phase of parliamentary elections which were expected to reset the balance of power and reform alliances.

4. The impasse that the PA and the Palestinian politics in general are going through is an extension of the impasse that Fatah movement itself is witnessing. Fatah dominates all the institutions of the PA the PLO on all levels, particularly from the top. However, since Fatah's internal crisis is not necessary for our discussion, we will only focus on the following points:

-Fatah movement was busy trying to reach a compromise through Oslo Accords and its ensuing agreements, agendas, and commitments. Hence, Fatah's position became stronger when the compromise project was dominant, and got much weaker when it recessed. This reflected negatively on Fatah's position, particularly in the Palestinian territories, where it was in control of all the sources and potentials necessary to build the PA and its institutions. Meanwhile, Fatah completely disregarded the PLO and left its institutions unattended, although the PLO could have constituted a good backup for the Palestinian cause if it remained involved in the grassroots and the leadership of the national coalition, and could have played a leading role both internally by offering guidance to the Palestinian Authority and externally by supporting the Palestinian expatriates who are scattered around the globe by charging up their national struggle powers.

-After the stumbling and the later failure of the Oslo Accord, Fatah resorted to the Intifada and the resistance in order to get over the compromise crisis. But it didn't follow a clear strategy, and kept moving between various forms of struggle and lost its balance between the Intifada and the resistance by swerving into the lane of Al-Aqsa Brigades and other resistance groups. These military activities didn't match Fatah's position within the PA and the political process, and didn't get along with its pursuit to resume negotiations.

-The Israeli response to the Intifada, particularly with the anti-Separation Wall campaign, wasn't limited to destroying the infrastructure of the resistance, but included the institutions of the PA itself to undermine its power and disseminate murder and destruction in the Palestinian territories.

This far reaching destructive plan was part of the Israeli allegation of the absence of a Palestinian partner in the compromise process. By destroying the premises and institutions of the PA, and by totally undermining the Palestinian economy, it was easy for Israel to allege the absence of a Palestinian partner

because Palestinians didn't possess strong ruling mechanisms and didn't impose sufficient control over their territories, and thus were unable to honor the commitments that always arise from negotiations.

-The external pressures, which intensified following the anti-Separation Wall campaign, aimed to replace the Palestinian leadership by opening the file of violence combating and financial and administrative reform. The leadership of the PA and Fatah movement lost the right vision and the political will that they needed to forge their way ahead. If they stuck to national unity and to the Joint Program Principle they could have achieved national reform, stimulated social solidarity, supported the spirit of the Intifada, and rationalized the tendencies of the resistance.

5. The fact that all the objectives that have been met in this respect were below the requirements of national demands reflects the inefficacy of the ruling mechanism, whether in terms of the PA's weak institutions, the PLO's stagnant conditions, or Fatah's vulnerability to the new conditions that were violently reshaping the whole situation.

Even if we assume that the leadership and the organizational institutions of Fatah have their own action and reaction strategies that will allow them to create an agenda to get over this crisis (which absolutely serves national interests), we can't deny that a national unity government would be more capable of resuming financial and administrative reform, eradicating corruption, bringing anarchy to an end, and organizing the PA's ministries whose current performance is quiet ineffective and stimulate their role in serving the Palestinian society and ensuring its safety and security and strengthening the Palestinian people in its firmness in facing external pressures and Israeli aggressions.

A national unity government would be able to reshape the Palestinian stance on the political process by clinging to the results of the international conferences that are organized in line with the relevant international legitimacy resolutions to entrench national principles. This doesn't mean that the government will abandon the commitment of previous agreements with Israel -although Israel is always the first to abandon these commitments- but it means that a compromise should be reached through a context that leads to a common ground (a Palestinian State with the pre-1967 borders, a capital in Jerusalem, and the rights of refugees to return according to Resolution No. 194), rather than being misguided by the Israeli unilateral Disengagement Plan which will most probably be adopted by the Israeli central political current after the Knesset's next elections on March 28, 2006, such a plan which will constitute for the Palestinian people nothing but a new phase of partial long-term transitional phase.

Collective efforts must be directed toward the formation of a multi-party parliament and a national unity government, which can logically be achieved by assigning half the seats of the National Council to representatives selected from scattered and alienated Palestinian groups by means of election as a general rule that may be broken by certain exceptions required by circumstances. An executive committee shall be affiliated to this council and shall include representatives from all Palestinian blocs and be based on a central council. This committee will be the link between the Executive Committee and National Council during the interim periods that separate its sessions.

The Executive Committee of the PLO, given its powerful position in the PA especially after the participation of Islamic powers in the institutions of the

Palestinian Authority and the PLO, will be able to play a unifying role between all Palestinian groups based on the principle of the independency of the PLO's institution from the PA. Overlapping between the two powers (the Legislative Council with the Ministry of Finance, the Political Department with the Foreign Ministry, etc.) has intensified the Palestinian Authority's dominance over the institutions of the PLO through a smart policy that aims at marginalizing the role and the position of the PLO within the national cause.

The new horizons that the January 25 elections will open to the Palestinian political process will not be effectuated spontaneously, and will not be easy or straightforward, but will rather be hard and curvy. However, no matter how difficult the way will be, and no matter how complicated the results of the Legislative Council's elections will prove, at the end of the day they will help the Palestinian political system find its way out of this crisis by trying to untangle these complications in a sense of national unification. The events that are currently dominating the Palestinian scene prove that this is the only way to stir up national enthusiasm.

JANUARY 20, 2006

Notes:

¹The Oslo Accords followed the "Letters of Mutual Recognition" on September 9, 1993, and the Declaration of Principles on September 13, 1993. The most important of these agreements were the Cairo Agreement on Gaza and Jericho on May 4, 1994, the Transitional Agreement on September 28, 1995, The Hebron Protocol on January 17, 1997, the *Wye River Memorandum* on October 23, 1998, and the *Sharm El-Sheikh Memorandum* on September 5, 1999.

²The Separation Wall Campaign and its following developments, the Road Map (December 20, 2001 to April 30, 2003, and the stances and the role of the International Quartet Committee.

³The prolong transitional stage and the *Disengagement Plan*.

⁴This includes the armed resistance operations and the successive popular uprisings that began from September 1996, sparking off the Independence Intifada in September 2000, following four years of successive minor uprisings, the most important of which was the Tunnel Uprising in September 1996, the Defense of Land Uprising (Abu Ghoneim Mountain) in March and April 1997, the Anniversary of the Defeat in May 1998, and the uprisings that broke out in 1999 and 2000, until the start of the Independence Uprisings (particularly the uprising that was calling for the release of the detainees).

⁵Law No. 9 of 2005 which is related to Law No. 13 of 1995 which depends on Law No. 5 of 1995 on the Transfer of Powers and Competences which fits into the framework of the Oslo Transitional Accords.